

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

BOARD MEETING AGENDA

April 26, 2018

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 26, 2018, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 2040 Webster Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting.

Please submit your requests to the District Secretary via email to BoardofDirectors@bart.gov; in person or U.S. mail at 300 Lakeside Drive, 23rd Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Patricia K. Williams
Interim District Secretary

Please note:
Although the address of the Board Room has changed, it is still in the same location.

Regular Meeting of the
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of April 12, 2018.* Board requested to authorize.
- B. Award of Invitation for Bid No. 9045, C Car Cab Windows.* Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. ADMINISTRATION ITEMS

Director Allen, Chairperson

- A. Award of Agreement No. 6M7266, Advertising Franchise.* Board requested to authorize.
- B. Award of Agreement No. 6M2067, Brokerage Services for an Owner-Controlled Insurance Program (OCIP).* Board requested to authorize.
- C. Fiscal Year 2019 Budget Procedural Actions: Set Date for Public Hearing, Publish Pamphlet.* Board requested to authorize.
- D. Fiscal Year 2019 Preliminary Budget.* For information.
- E. Regional Means - Based Fares Program Update.* For information.
- F. California Public Employees' Retirement System (CalPERS) Amortization Policy Changes.* For information.
- G. Other Post - Employment Benefits (OPEB) Retiree Medical Valuation.* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director Simon, Chairperson

- A. Valley Transportation Authority (VTA) /Bay Area Rapid Transit (BART) Silicon Valley Phase II Extension Project.*
 - a) Accept the BART Silicon Valley Phase II Extension Project Subsequent Environmental Impact Report (SEIR).
 - b) Adopt VTA's Findings and Statement of Overriding Considerations for the SEIR.
 - c) Pursuant to California Environmental Quality Act (CEQA) Guidelines, find that changes or alterations are within the responsibility and jurisdiction of VTA and have been adopted by VTA.
 - d) Approve the Silicon Valley Phase II Extension Project.
Board requested to authorize.

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Blalock, Chairperson

- A. State Legislation for Consideration.* Board requested to authorize.
- B. BART to Livermore: Project Update and Summary of Public Outreach.*
For information.

7. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

8. BOARD MATTERS

- A. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- B. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- C. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

9. PUBLIC COMMENT

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

10. CLOSED SESSION (Room 303, Board Conference Room)

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Administration; and Martin Gran, Chief Employee Relations Officer

Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and Municipal Employees, Local 3993;
(3) BART Police Officers Association;
(4) BART Police Managers Association;
(5) Service Employees International Union, Local 1021; and
(6) Service Employees International Union, Local 1021, BART Professional Chapter
(7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

B. PUBLIC EMPLOYEE EMPLOYMENT

Title: District Secretary

Government Code Section: 54957(b)(1)

C. CONFERENCE WITH NEGOTIATORS

Designated Representatives: Directors Keller, Raburn, and Simon

Title: District Secretary

Government Code Section: 54957.6

11. OPEN SESSION

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,811th Meeting
April 12, 2018

A regular meeting of the Board of Directors was held April 12, 2018, convening at 9:00 a.m. in the Board Room, 2040 Webster Street, Oakland, California. President Raburn presided; Patricia K. Williams, Interim District Secretary.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn.

Absent: Director McPartland.

President Raburn acknowledged Wayne Wong, Manager, Office Civil Rights.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of March 22, 2018.
2. Resolution Consolidating 2018 District Elections.
3. OIR Recommendations for Improvement to the BART Police Oversight Structure.
4. Appointment of BART Police Citizen Review Board Member.
5. Award of Invitation for Bid No. 9043, Train Control Cables.

Director Allen requested that Item 2-C, OIR Recommendations for Improvement to the BART Police Oversight Structure, be removed and voted on separately.

Director Saltzman made the following motions as a unit. Director Blalock seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon and Raburn. Noes - 0. Absent – 1: Director McPartland.

1. That the Minutes of the Meeting of March 22, 2018, be approved.
2. Adoption of Resolution No. 5368, In the Matter of the San Francisco Bay Area Rapid Transit District requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco to provide for the consolidation of a District election, electing members of the Board of Directors, with the State of California general election, to be held on November 6, 2018.

3. That the Board of Directors ratify the BART Police Citizen Review Board appointment of Wade Harper to the BART Police Citizen Review Board to fill the vacancy that exists in the seat representing BART District 2, with a term that expires on June 30, 2019.
4. That the General Manager be authorized to award Invitation For Bid No. 9043 for the Procurement of Switch & Lock Movement Power Control Cables & Train Control MUX Cables, to All Industrial Electric Supply, for the not to exceed price of \$226,440.00, plus applicable taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

President Raburn brought the matter of Item 2-C, OIR Recommendations for Improvement to the BART Police Oversight Structure, before the Board. Mr. Russell Bloom, Independent Police Auditor, and Mr. Carlos Rojas, Chief of Police, presented the item. The item was discussed. Director Saltzman moved that the Board of Directors ratify the acceptance, adoption, and implementation as practical by the BART Office of the Independent Police Auditor of the 11 recommendations (4, 14, 15, 16, 21, 25, 27, 31, 32, 38, 39) submitted by the OIR Group in its Independent Review of the BART Police Oversight Structure dated June 2017 with an Addendum dated July 2017.

Director Allen requested staff provide a report in six months from the Office of the Independent Police Auditor, in conjunction with the General Manager and Chief of Police, to review the implementation and financial impact of the recommendations as well as a discussion on the four remaining items. President Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon, and Raburn. Noes - 0. Absent – 1: Director McPartland.

President Raburn called for Public Comment. The following individuals addressed the Board:

Sean Mulligan
Robert S. Allen
Afiyah Chambers
Asale Haquikah
Nicole Sardella
Darrel Carey
Terry Johnson
Yuri Hollie
Rev. Dr. Aurea Lewis
Blair Beekman
Joceyln Combs
John Arantes

Director Keller exited the meeting.

Director Allen, Chairperson of the Administration Committee, brought the matter of Extension of Time for Agreement No. 6M2066, Insurance Brokerage Services, before the Board. Director Saltzman moved that the Controller/Treasurer be authorized to extend the time of performance under Agreement No. 6M2066, with AON Risk Services, Inc. for an additional four months to, August 31, 2018 with additional funds not to exceed \$38,750. President Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Allen, Blalock, Dufty, Josefowitz, Saltzman, Simon and Raburn. Noes - 0. Absent – 2: Directors Keller and McPartland.

Director Keller re-entered the meeting.

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Invitation for Bid No. 9044, 35kV Cables for Traction Power, before the Board. Mr. Paul Oversier, Assistant General Manager-Operations and Mr. Myat San, Manager, Traction Power Engineering, presented the item. The item was discussed. President Raburn moved that the General Manager be authorized to award Invitation For Bid No. 9044 for 35kV Cable, 1/C, to The Okonite Company, in the amount of \$7,624,771.50 (including all applicable taxes), pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon and Raburn. Noes - 0. Absent – 1: Director McPartland.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

Director Simon brought the matter of Valley Transportation Authority/Bay Area Rapid Transit Silicon Valley Phase II Extension Project; Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report, before the Board. Mr. Oversier; Mr. Robert Mitroff, Chief Transit System Development Officer; and Ms. Susan Poliwka, Senior Planner, Systems Development, presented the item. The item was discussed.

Director Simon introduced Valley Transportation Authority staff present: Ms. Jill Gibson, Transportation Planner; Ms. Samantha Swan, Senior Environmental Planner; and Mr. Manolo Gonzalez-Estay, Policy Analyst

Discussion continued.

The following individuals addressed the Board:

Sean Mulligan
Blair Beekman
Jerry Grace

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State Legislation for Consideration before the Board. Mr. Carl Holmes, Assistant General Manager of Planning, Development, and Construction; Mr. Roddrick Lee, Department Manager of Government and Community Relations; Mr. Michael Jones, Assistant General Manager, Administration; and Mr. Martin Gran, Chief Labor Relations Officer, presented the item. The item was discussed.

The following individuals addressed the Board:

Sal Cruz

Michael Saville

Patricia Schuchardt

Latika Malkani

Jerry Grace

Sal Cruz

Director Allen moved that the Board of Directors oppose Assembly Bill 3034 – Public transit employer-employee relations: San Francisco Bay Area Rapid Transit District. Director Saltzman seconded the motion, with amendments to include a letter and testimony stating that the District is interested in working collaboratively with American Federation of State, County, and Municipal Employees (AFSCME) and the author of the bill on a solution, and that the reason for the opposition is the timeframe given to the District. Director Keller requested language be added indicating that the Board would continue to discuss AFSCME contract concerns in closed session. The motion carried by electronic vote. Ayes – 6: Directors Allen, Blalock, Josefowitz, Saltzman, Simon, and Raburn. Noes - 0. Abstain – 2: Directors Dufty and Simon. Absent – 1: Director McPartland.

Director Blalock brought the matter of City of Livermore: Isabel Neighborhood Plan Update, before the Board. Mr. Holmes; Ms. Ellen Smith, Group Manager of Planning, Systems Development; Mayor of Livermore John Marchand; Ms. Lori Parks; Steve Reilly; and Mr. Bob Vinn presented the item. The item was discussed.

Jerry Grace addressed the Board.

President Raburn called for the General Manager's Report.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, and outstanding Roll Call for Introductions items.

Ms. Crunican thanked Director Simon for preventing protestors from impeding BART revenue service at the 12th Street/Oakland City Center Station.

President Raburn called for the Quarterly Report of the Controller/Treasurer for the Period Ending December 31, 2017. Ms. Rose Poblete, Controller/Treasurer, presented the Report.

President Raburn called for Board Member Reports, Roll Call for Introductions, and In Memoriam.

Director Allen reported she had the San Joaquin Tri Valley Regional Rail Authority meeting and a meeting with Senator Glazer, Assemblywoman Baker, Director Keller and BART staff to discuss the Livermore Extension.

Director Josefowitz reported he had attended the Metropolitan Transportation Commission- Planning Allocation Committee meeting on Means – Based Fares.

Director Raburn reported he had attended the Women's Empowerment Forum – 20th Annual Madam CJ Walker Recognition & Empowerment Forum.

Director Dufty requested on behalf of himself and Director Simon that the Meeting be adjourned in honor of Manuel Leno and Floyd Jones.

President Raburn announced that the Board would enter into closed session under Item 11-B (Public Employee Employment) and Item 11-C (Conference with Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 1:49 p.m.

The Board Meeting reconvened in closed session at 2:00 p.m.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, Simon and Raburn.

Absent: Director McPartland.

Director Simon exited the meeting.

The Board Meeting recessed at 2:40 p.m.

The Board Meeting reconvened in open session at 2:44 p.m.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Saltzman, and Raburn.

Absent: Directors McPartland and Simon.

President Raburn announced that the Board had concluded its closed session and that there were no announcements to be made.

The Meeting was adjourned at 2:44 p.m. in memory of Floyd Jones and Manuel Leno.

Patricia K. Williams
Interim District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>18 April 2018</i> <i>Theresa M. Pomeroy</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/30/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Cristiano Torresi Dept: Rolling Stock and Shops <i>C Torresi</i> Signature/Date: <i>4/16/18</i>	General Counsel <i>[Signature]</i> Signature/Date: <i>4/16/18</i> []	Controller/Treasurer <i>[Signature]</i> Signature/Date: <i>4/16/18</i> []	District Secretary []	BARC <i>[Signature]</i> Signature/Date: <i>4/18/18</i> []

AWARD OF INVITATION FOR BID NO. 9045, C CAR CAB WINDOWS

PURPOSE: To obtain Board Authorization to Award Invitation for Bid (IFB) No. 9045 to Baktek of Livermore, CA in the amount of \$162,430 (including all taxes) for the purchase of hinged cab window assemblies for C Car revenue vehicles.

DISCUSSION: The District's revenue vehicle fleet currently consists of two hundred and thirty (230) C Cars which were originally equipped with two vertically sliding cab windows. Train Operators are required to open these windows to perform the required "look back" of the platform at each station stop. Due to inherent design issues and obsolescence of the original parts, the mechanical reliability of these windows has deteriorated over time, making routine use increasingly difficult for Train Operators. As part of the C Car cab retrofit project new cab windows were designed to replace the existing vertical sliding cab windows.

Prior to this IFB, the District completed a ten (10) car pilot program approved in 2016 via IFB 8981 (Phase 1) and installed forty-five (45) modified cab windows approved in 2017 via IFB 9019 (Phase 2). Phase 1 was complete in September of 2016 and Phase 2 was complete in November of 2017. This IFB will allow the District to complete an additional twenty (20) C Cars for a total of 120 C Cars.

This Contract is for the purchase of forty (40) window assemblies, consisting of twenty (20) left side Automatic Train Control (ATC) and twenty (20) right side (T/O) window assemblies. Twenty (20) rehabilitated C Cars, which will likely remain in service for the longest period of time, were selected for these new window assembly installations. The retrofit scope includes (a) removal of existing vertical sliding cab windows and installation of new hinged cab windows, (b) relocation of door controls on the Train Operator (T/O) side to the console, and (c) replacement of woven T/O seat cushions with vinyl cushions.

(Note that scope items (b) and (c) are not part of IFB No. 9045 and will be procured separately).

This is a two (2) year estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the Contract the District is required to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on February 26th, 2018 and uploaded onto the BART Vendor Portal that day. Correspondence was sent to seven prospective bidders inviting them to view the solicitation on the Vendor Portal. Bids were opened on March 20th, 2018 and two bids were received.

Bidder	Item	Unit Price	Quantity	Total with Tax
Baktek Livermore CA	Item 1	\$ 3,850.00	20	\$ 84,507.50
	Item 2	\$ 3,550.00	20	\$ 77,922.50
	Total			\$ 162,430.00
Annex Precision, Santa Clara, CA	Item 1	\$ 9,396.54	20	\$ 206,254.05
	Item 2	\$ 8,530.55	20	\$ 187,245.57
	Total			\$ 393,499.63

Independent Cost Estimate by BART Staff: \$190,000 (including sales tax).

The District's Non-Discrimination Program for Subcontracting is not applicable to Invitations for Bid. Accordingly, the Office of Civil Rights did not set Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Availability Percentages for this IFB.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. Domoch Inc. dba Baktek is not a certified Small Businesses and, therefore, is not eligible for the 5% Small Business Prime Preference.

Baktek submitted the low bid of \$162,430 including sales tax. After review, staff has determined that Baktek's bid is responsive and that its bid price is fair and reasonable based upon the independent cost estimate.

FISCAL IMPACT: Funding of \$162,430 for this procurement will come from Rolling Stock and Shops (RS&S) Non-Inventory Material Usage Account (#680-030) as materials are procured. Funding for FY 18 is included in the operating budget of department 0803632. Funding for FY 19, will be requested as part of each year's operating budget cycle and is subject to Board approval. The proposed award of this Contract will not result in any operating costs above the current year's adopted budget. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year. Total funding for this Contract in the amount not to exceed 150% of \$162,430, is based on the following totals by year:

FY 18: \$81,215

FY 19: \$81,215

Two Year Total: \$162,430

ALTERNATIVES: The alternative would be to reject all bids received and re-advertise the contract, which staff believes would not result in a better price or more competition.

RECOMMENDATION: Staff recommends that the Board adopt the following motion.

MOTION: The General Manager is authorized to award IFB No. 9045 for C-Car Cab Windows to Baktek for an amount of \$162,430 including tax, pursuant to notification to be issued by the General Manager, subject to compliance with the Districts Protest procedure.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pomeroy</i> 18 APRIL 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/5/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Catherine Westphall Dept: Marketing and Research <i>Catherine Westphall</i> Signature/Date: April 17, 2018	General Counsel <i>[Signature]</i> 4/17/18 []	Controller/Treasurer <i>[Signature]</i> 4/17/18 []	District Secretary []	BARC <i>[Signature]</i> 4/17/18 []

Award of Agreement No. 6M7266, BART Advertising Franchise

PURPOSE:

To obtain Board authorization for the General Manager to award Agreement No. 6M7266 to OUTFRONT Media Group LLC to operate the District's Advertising Franchise which generates revenue to support BART services through June 30, 2029.

DISCUSSION:

In order to generate revenue to support BART services, the District has for more than 40 years made advertising space available. Like other major transit systems, the District engages a Franchisee to operate and manage the advertising program. The Franchisee in turn sells and posts advertising on behalf of the District and provides the District with ad revenue.

Advance Notice to Proposers was issued to thirty-eight (38) potential proposers. Request for Proposals (RFP) No. 6M7266 was posted on BART's Procurement Portal on October 5, 2017. Forty-two (42) interested parties downloaded the RFP from the Procurement Portal to become planholders for this RFP. The RFP solicited proposals from qualified firms to operate and manage the Franchise in the four BART counties and in San Francisco MUNI stations owned by the District. The RFP indicated a desire to modernize advertising infrastructure with digital media to grow revenue and make the BART system brighter, more upscale and more inviting.

The RFP was advertised in ten (10) publications as follows: Contra Costa Times, El Mundo, Inter-City Express, Oakland Post, Oakland Tribune, San Francisco Chronicle, San

Francisco Examiner, Sing Tao, Sun Reporter, and World Journal. In addition, the RFP was announced on the DailyDOOH.com (Digital Out of Home) digital advertising blog. A Pre-Proposal Meeting and Networking Session were conducted on October 18, 2017 with seven (7) firms in attendance. On December 12, 2017 the District received two (2) proposals, from Intersection Media, LLC, (“Intersection”), New York, NY and from OUTFRONT Media Group LLC (“OUTFRONT”), New York, NY.

These proposals were reviewed by a Source Selection Committee. The committee was chaired by Contract Administration, and included representatives from Marketing and Research; Planning, Development, and Construction; the Office of the Chief Information Officer; Maintenance and Engineering; and the Office of Civil Rights. The Committee reviewed the technical proposals for compliance with the one (1) minimum technical requirement set forth in the RFP. Both proposals met the minimum technical requirement. The Committee then evaluated and scored the Proposers' written statement of qualifications, evaluated and scored the financial proposals, conducted and scored Oral Interviews with both Proposers, and ranked the proposals based on the total overall score.

Following negotiation of Agreement terms with both Proposers, the District requested a Best and Final Offer (BAFO). The BAFO proposals were evaluated, scored, and ranked.

At the conclusion of the evaluation of BAFO proposals, staff conducted a best value analysis and determined that OUTFRONT represented the best value to the District. OUTFRONT scored the highest total technical score and the highest financial proposal score, therefore staff is proposing to award Agreement No. 6M7266 to OUTFRONT.

Agreement No. 6M7266 will become effective for a Transition Period starting when the Agreement is executed to allow time for the Franchisee to establish local sales operations, work with the District on capital investment planning, and other transition activities. The Transition Period will be followed by a Revenue Period beginning October 1, 2018 through June 30, 2029 during which the Franchisee shall have full responsibility for performance of the Scope of Work. The District may elect to extend the Agreement by two, one-year options using the same terms and conditions as the final year of the base contract.

The Office of Civil Rights determined that the District's Small Business Program, Non-Discrimination Program for Subcontracting, and Disadvantaged Business Enterprise Program would not apply to this Agreement since this Agreement is a revenue-generating agreement.

The Office of the General Counsel will approve the Agreement as to form.

FISCAL IMPACT:

Below are the yearly and total Minimum Annual Guarantee and capital expenditure commitment payment amounts proposed by OUTFRONT.

Contract Year	Minimum Annual Guarantee	Capital Expenditure Commitment
FY19 (3/4 year)	\$9,000,000	\$1,383,000
FY20	\$12,000,000	\$3,966,000
FY21	\$12,000,000	\$10,652,000
FY22	\$12,000,000	\$7,902,000
FY23	\$12,000,000	\$739,000
FY24	\$13,000,000	\$327,000
FY25	\$14,000,000	0
FY26	\$15,000,000	0
FY27	\$16,000,000	0
FY28	\$17,000,000	0
FY29	\$18,000,000	0

Total Minimum Annual Guarantee payments:	\$150,000,000
Total Capital Expenditure (Capex) Commitment:	\$24,969,000

In addition to the above amounts, OUTFRONT will pay the District a one-time, up-front \$10,000,000 signing bonus in October 2018, and will reimburse the District for various costs to support the franchise operation.

The capital expenditure commitment represents the amount of money the Franchisee will invest in digital screens and other improvements to modernize the advertising infrastructure. The Agreement allows the Franchisee to gradually recoup their capital expenditures out of revenue that exceeds a certain threshold. The District would also receive a portion of remaining excess revenue (in addition to the Minimum Annual Guarantee payments to the District) based on the following percentages:

BART's Revenue Share % When Capex Balance >\$250,000	55%
BART's Revenue Share % When Capex Balance <\$250,000	70%

Should the District request removal of specific Traditional Advertising media (e.g., framed ad posters), the Franchisee may submit a claim to adjust payments to the District to account for the direct financial impact on the Franchisee for removal of that media. The Franchisee may deduct the approved amounts from payments to the District. Note also that the Agreement allows the Franchisee to deduct 10-15% of sponsorship value for sponsor-

supported free or discounted fares, contest prizes, or other marketing promotions, with the total deduction capped at no more than \$400,000 per year.

Note that Minimum Annual Guarantee amounts and Revenue Share percentages shown above are prior to deduction of potential revenue shares to VTA or SFMTA.

ALTERNATIVES:

The alternative is to reject all proposals and re-advertise the RFP. Re-advertising the RFP is not likely to result in additional proposals or greater revenue to the District. Failure to proceed with this Agreement could result in a loss of revenue to the District.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to award Agreement No. 6M7266 for the BART Advertising Franchise to OUTFRONT Media Group LLC pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. P... 18 APRIL 2018</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/21/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Terri Hodges Dept: Risk & Insurance Management <i>T. Hodges</i> Signature/Date: 4/16/18	General Counsel <i>[Signature]</i> 4/16/18 []	Controller/Treasurer <i>[Signature]</i> 4/16/18 []	District Secretary []	BARC <i>[Signature]</i> 4/16/18 []

AWARD OF AGREEMENT 6M2067 FOR BROKERAGE SERVICES FOR AN OWNER CONTROLLED INSURANCE PROGRAM (OCIP)

PURPOSE: To Authorize the Controller/Treasurer to award Agreement 6M2067 for Brokerage Services for an Owner Controlled Insurance Program (OCIP) to Aon Risk Insurance Services West, Inc. in an amount not to exceed \$6,105,628.

DISCUSSION: The Insurance Department uses an insurance broker to place insurance and to provide safety, as well as other risk management services for the District's construction projects, including: the Earthquake Safety Program, the Hayward Maintenance complex and the Train Control Modernization project.

On October 19, 2017 the District advertised a Request for Proposal (RFP) No. 6M2067. The Advance Notice to Proposers was sent to 60 firms. The RFP was advertised in 11 newspapers and also posted on the Procurement Portal. A pre-proposal meeting was held on November 8, 2017. Representatives of 13 firms attended the pre-proposal conference. On November 28, 2017, proposals were received from three (3) firms: Alliant Insurance Services, Aon Risk Services West, Inc. and Wells Fargo Insurance Services / USI, Inc.

Proposals were reviewed by a five-person Source Selection Committee, consisting of BART staff from the Office of Civil Rights, Risk & Insurance Management and Human Resources, that was chaired by Contract Administration. The committee evaluated proposals using the best value methodology. Under this approach, the District retains the right to award to other than the lowest cost proposal, based upon a determination that certain technical advantages available from a proposal will equate to added value for the District.

In accordance with the RFP provisions, all three proposals were reviewed and determined to

have met the minimum technical qualifications established in the RFP. The proposals were then evaluated and scored based on the established evaluation criteria. The committee later reviewed the price proposals and determined that that all three proposers were in the competitive range. All three proposers were invited to make oral presentations. After the oral presentations, the committee combined the qualifications/technical scores and the oral presentation scores and determined that Aon Risk Insurance Services West, Inc.'s total score was the highest of the three proposers.

Based upon Aon's scores and price proposal, the committee determined that Aon presents the District with the best value for this OCIP Services Agreement. Aon has more experience in rail construction safety, more ability to develop innovative insurance solutions and efficient administrative systems. A key element of the OCIP and the primary driver of cost savings is safety. Staff believes that Aon's superior capabilities in these areas will continue to result in savings to the projects. For each year of the Agreement, an Annual Work Plan (AWP) will be negotiated, subject to a "not to exceed" amount. The price offered by Aon which is \$1,187,000 for the first contract year with a 2% annual increase thereafter, has been determined to be fair and reasonable and a review of the firm's financial business indicates that Aon is a responsible firm.

Based upon the committee's evaluation, staff recommends an award to Aon.

This Agreement was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Agreement and determined that there were no DBE subconsulting opportunities; therefore, no DBE participation goal was set for this Agreement.

FISCAL IMPACT: The Agreement has a not-to-exceed limit of \$6,105,628. District obligations will be subject to a series of AWP's. Each AWP will have a defined scope of services and a separate schedule and budget. Any AWP funded under State or Federal grants will include all necessary requirements. Funding for individual AWP's will be provided from Capital Budget accounts as evidenced by the issuance of related work orders. Capital Budget and Fund Management will certify the eligibility of identified funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against the Agreement and the execution of each WP.

ALTERNATIVES: 1) To initiate another request for proposals process or 2) To go without an OCIP. This would require the contractor to provide insurance at an increased cost. Moreover, in some cases contractors may not be able to obtain coverage.

RECOMMENDATION: Adoption of the following motion.

MOTION: The Controller/Treasurer is authorized to award Agreement 6M2067 to Aon

Risk Insurance Services West, Inc. to provide brokerage services for an OCIP for a period of three years with two (2) one year options in a total amount, including options, not to exceed \$6,105,628 pursuant to notification issued by the General Manager and subject to the District's protest procedures and FTA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>20 APRIL 2018</i> <i>Robert M. Power</i>		GENERAL MANAGER ACTION REQ'D: Place on April 26, 2018 Board of Directors Agenda		
DATE: 4/16/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Dennis Markham Dept: Budget <i>Dennis Markham</i> Signature/Date: 4/16/2018	General Counsel <i>[Signature]</i> 4/17/18 []	Controller/Treasurer <i>[Signature]</i> 4/16/18 []	District Secretary []	BARC <i>[Signature]</i> 4/16/18 []

Fiscal 2019 Preliminary Budget Procedural Actions

PURPOSE:

1. To formally direct staff to publish a pamphlet containing a copy of the Fiscal Year 2019 Preliminary Budget.
2. To set a public hearing on the Fiscal Year 2019 Preliminary Budget.

DISCUSSION:

The rules of the Board of Directors provide that the Board direct a Preliminary Budget Pamphlet to be prepared no later than the first day of June (Rule 5-1.2). Staff's schedule calls for this pamphlet to be available by May 1, 2018. The rules of the Board of Directors also provide that a public hearing on the budget be held on or before June 20 (Rule 5-1.3). Staff proposes that this hearing be held on May 24, 2018.

The budget will be presented and discussed at the BART Accessibility Task Force meeting April 26, 2018, and will be presented at the joint Environmental Justice Advisory/Limited English Proficiency Committee meeting on May 11.

FISCAL IMPACT:

According to Board Rules, the Fiscal Year 2019 Budget must be adopted on or before June 30, 2018.

ALTERNATIVES:

Under Board Rules 5-1.2 and 5-1.3, publishing a budget pamphlet and holding a public hearing are required steps to adopt the Fiscal Year 2019 annual budget. The Board could suspend rules 5-1.2 and 5-1.3 or postpone the hearing to another date prior to June 20.

RECOMMENDATION:

That the Board adopt the following motions:

Motions:

1. That the staff be directed to publish a Budget Pamphlet for Fiscal Year 2019 to be available for distribution no later than May 1, 2018.
2. That a public hearing on the Fiscal Year 2019 Preliminary Budget be set for Thursday, May 24, 2018 in the Board Room.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors


DATE: April 20, 2018

FROM: General Manager

SUBJECT: FY19 Preliminary Budget Overview presentation

Attached is the "FY19 Preliminary Budget Overview" presentation that will be presented to the Board at the April 26, 2018 meeting as an information item.

If you have any questions about the document, please contact Pamela Herhold, Acting Assistant General Manager, Performance and Budget, at 510-464-6168.


for Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

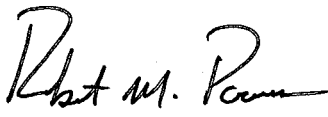
DATE: April 20, 2018

FROM: General Manager

SUBJECT: Regional Means-Based Fares Program Informational Item

The attached document is an update to the Board on the work of the Metropolitan Transportation Commission and the region's transit operators to offer a means-based fare discount, which will be presented at the April 26th meeting as an informational item.

If you have any questions about this item, please contact Pamela Herhold, Acting Assistant General Manager, Performance and Budget, at 510-464-6168.



Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

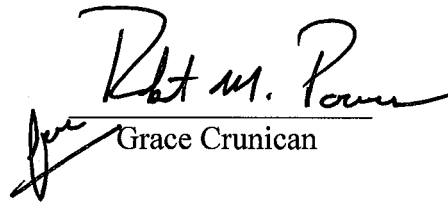
DATE: April 20, 2018

FROM: General Manager

SUBJECT: CalPERS Amortization Policy Changes

Mary Beth Redding, Vice President of Bartel Associates, Inc will be presenting on the recent changes to the CalPERS Amortization Policy and the potential impacts to the District. Attached is a copy of the presentation.

If you have any questions about the document, please contact Michael Jones, Assistant General Manager, Administration, at 510-464-6231.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

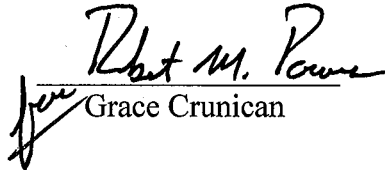
DATE: April 20, 2018

FROM: General Manager

SUBJECT: Other Post-Employment Benefits – Retiree Medical

Mary Beth Redding, Vice President of Bartel Associates, Inc will be presenting on the June 30, 2017 Actuarial Valuation for Retiree Medical. Attached is a copy of the presentation.

If you have any questions about the document, please contact Michael Jones, Assistant General Manager, Administration, at 510-464-6231.


for Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pomeroy</i> 20 APRIL 2018		GENERAL MANAGER ACTION REQ'D: N/A		
DATE: 4/17/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Poliwka Dept: Systems Development <i>Susan Poliwka</i> Signature/Date: APRIL 19, 2018	General Counsel <i>[Signature]</i> 4/19/18 []	Controller/Treasurer <i>[Signature]</i> 4/19/18 []	District Secretary <i>[Signature]</i> []	BART <i>[Signature]</i> 4/20/18 []

Approval of VTA's BART Silicon Valley Phase II Extension Project (SVSX)

PURPOSE:

To have the Board of Directors 1) accept the environmental impact report for VTA's BART Silicon Valley Phase II Extension Project (SVSX), 2) adopt the related Findings and Statement of Overriding Considerations and 3) approve the SVSX (SVX Phase II) Project.

DISCUSSION:

Comprehensive Agreement and Environmental Analysis

On November 19, 2001, VTA and BART entered into the Comprehensive Agreement Between the Santa Clara Valley Transportation Authority (VTA) and the San Francisco Bay Area Rapid Transit District (BART) in Connection With the Proposed Santa Clara County BART Extension (the Comprehensive Agreement). Per Section V.B.2.1. of the Comprehensive Agreement, "BART, as a Responsible Agency under CEQA, a potential Cooperating Agency under NEPA and the operating agency of the proposed project, will present the Final EIR to the BART Board of Directors for decisions on whether to accept the Final EIR and approve the project."

The VTA Board, as the Lead Agency, certified the Final Environmental Impact Report (EIR) for the BART Extension to Milpitas, San Jose and Santa Clara in December 2004 in accordance with the California Environmental Quality Act (CEQA). Due to funding considerations, VTA decided to divide the Silicon Valley Extension (SVX) Project into two phases, with Phase I having the terminus station in the Berryessa neighborhood of the City of San Jose. In June 2007, a Supplemental Environmental Impact Report (SEIR-1) was

adopted. On March 2, 2011, the VTA Board certified the BART Silicon Valley Phase I Berryessa Extension (SVBX) SEIR-2, adopted the Findings and Statement of Overriding Considerations, the Mitigation Monitoring and Reporting Program, and the recommended project description and approved the Phase I project. On April 14, 2011, the BART Board accepted the Silicon Valley EIR, SEIR-1 and SEIR-2, adopted the Findings and Statement of Overriding Considerations, and approved Phase I of the Silicon Valley Project.

On April 5th, 2018, the VTA Board certified the Phase II (SVSX) SEIR, adopted Findings, Facts in Support of Findings and Statement of Overriding Considerations, adopted a Mitigation Monitoring and Reporting Program, and adopted their Recommended Project Description and approved the Phase II Project. These Findings and Statement of Overriding Considerations list significant impacts that can be mitigated as well as acknowledge that specific impacts remain significant and unavoidable but that the Project's benefits outweigh these impacts.

The significant and unavoidable construction-related impacts (Project and Cumulative) are:

1. Impacts on vehicular traffic, bicyclists, and pedestrians at all four stations, the West Tunnel Portal, and the Newhall Maintenance Facility.
2. Impacts on bus transit at the Downtown San Jose and Diridon Stations.
3. Air quality impacts due to total nitrogen oxides and reactive organic gases emissions from all facilities.
4. Noise impacts at the Downtown San Jose and Diridon Stations.

The significant and unavoidable operational impacts are:

1. Impacts on vehicular traffic at the De La Cruz Boulevard and Central Expressway intersection resulting from Transit-Oriented Joint Development (TOJD) at Santa Clara Station.
2. Air quality impacts due to total reactive organic gases resulting from all TOJD locations.
3. Greenhouse gas impacts due to total emissions resulting from all TOJD locations.

SVX Project Description

The BART Silicon Valley Extension (SVX) is the extension of the BART system from its terminus in the City of Fremont at the Warm Springs Station into Santa Clara County through the City of Milpitas and the City of San Jose to the City of Santa Clara. The total length of the BART Silicon Valley alignment will be approximately 16 miles, and will include 6 stations. The Phase I project is the Silicon Valley Berryessa Extension (SVBX), which consists of the first approximately 10 miles of the SVX Project and includes two stations:

Milpitas Station and Berryessa/North San Jose Station. SVBX is currently under construction, and passenger revenue service is expected sometime in FY19.

The SVSX Project is Phase II of the BART Silicon Valley Extension (SVX) to Santa Clara. Moving south from the Berryessa Station, the SVSX Project would descend into a single-bore subway tunnel, continue through downtown San Jose, and terminate at grade in Santa Clara near the Caltrain Station for a total of approximately 6 miles. The remaining four stations would include the Alum Rock/28th Street station, the Downtown San Jose station at the West location option, the Diridon station at the North location option, and the Santa Clara station. The Project includes Transit-Oriented Joint Development at each of the four stations and two ventilation structures, the Newhall Yard and Maintenance Facility near the Santa Clara Station, and revenue rail vehicles.

FISCAL IMPACT:

Under the 2001 Comprehensive Agreement, as stated in Section III.B., VTA will have full financial responsibility for SVRT (now SVX) Project costs and ongoing operating, maintenance (O&M) and capital costs. Full financial responsibility means responsibility for funding total Project Costs, and future ongoing operating, maintenance and capital costs caused by operation of the SVRT Extension, both those that occur within and/or outside Santa Clara County. It also includes bearing all financial risks associated with such funding responsibility. Because of the financial responsibility assumed by VTA under the Comprehensive Agreement, it is not expected that there would be new fiscal impacts to BART as a result of the proposed actions.

ALTERNATIVES:

The BART Board of Directors could not approve the Project, not accept the SEIR, and/or not adopt related Findings and Statement of Overriding Considerations. Also, should the BART Board determine that evidence of CEQA compliance is inadequate, additional analyses would be required to address any deficiencies identified by the Board.

RECOMMENDATION:

It is recommended that following motions be adopted.

MOTION:

After review and consideration of VTA's BART Silicon Valley Phase II Extension Project (SVSX) Final Subsequent Environmental Impact Report (SEIR) and related Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Plan (MMRP) adopted by VTA on April 5, 2018, the Board:

1. Pursuant to the Comprehensive Agreement, accepts the BART Silicon Valley Phase II Extension Project SEIR.
2. Adopts VTA's Findings and Statement of Overriding Considerations for the SEIR.
3. For each Finding by VTA that changes or alterations have been required in or incorporated into the project to avoid or substantially lessen a significant environmental effect, pursuant to CEQA Guidelines Section 15091(a)(1), finds that such changes or alterations are within the responsibility and jurisdiction of VTA and have been adopted by VTA, pursuant to CEQA Guidelines Section 15091(a)(2).
4. Pursuant to the Comprehensive Agreement, approves the Silicon Valley Phase II Extension Project.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: April 20, 2018

FROM: General Manager

SUBJECT: State Legislation for Consideration

At the April 26 Board of Directors meeting, staff will present new state legislation for your consideration.

Attached are bill analyses and language for six state bills and one legislative constitutional amendment. The legislation has a nexus to BART and aligns with the 2018 State and Federal Advocacy Program adopted by the Board.

SUPPORT POSITION (6)

AB 2161 (Chiu)

Housing: homeless integrated data warehouse

AB 2162 (Chiu)

Planning and zoning: housing development: supportive housing

AB 3171 (Ting)

Homeless Persons Services Block Grant

SB 912 (Beall and Skinner)

Housing: homeless programs and affordable housing

SB 918 (Wiener)

Homeless Youth Act of 2018

AB 2450 (Quirk)

Electrically conductive balloons: manufacturers: warning

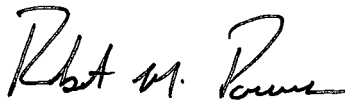
OPPOSE POSITION (1)

Proposition 70

Requires Legislative Supermajority Vote Approving Use of Cap-and-Trade Reserve Fund

Following the staff presentation, a request will be made of the Board to consider passing the draft motion shown below.

If you have any questions, please contact Rodd Lee, Department Manager, Government and Community Relations at 510-464-6235.



Grace
Grace Crunican

Attachments

cc: Deputy General Manager
Board Appointed Officers
Executive Staff

DRAFT MOTION:

That the Board of Directors supports AB 2161, AB 2162, AB 3171, SB 912, SB 918, and AB 2450; takes an oppose position on Proposition 70.



AB 2161 Analysis and Recommendation

TITLE: AB 2161 – Housing: homeless integrated data warehouse

AUTHOR: Chiu (D – San Francisco)

SPONSORS: Corporation for Supportive Housing and Housing California

BACKGROUND:

According to the U.S. Department of Housing and Urban Development, California is home to 25% of the nation's homeless population and 42% of the nation's chronically homeless. In 2015, SB 1380 (Mitchell) created the Homeless Coordinating and Financing Council (Council), made up of all state departments and agencies that provide housing or housing-based services to people experiencing homelessness or at risk of homelessness. One of the Council's goals is to create a statewide data system or warehouse that collects local data through a Homeless Management Information System (HMIS), with the goal of matching data on homelessness to state programs impacting homeless recipients. Several other states including Michigan, Connecticut, and New York have built statewide data warehouses to integrate local homeless data with state information to better inform policies to address homelessness.

PURPOSE:

AB 2161 would require the Department of Housing and Community Development (HCD), in coordination with the Council, to create a statewide data warehouse for developing a composite portrayal of the homeless population in the state, as well as services currently provided to people who are homeless. The bill would also require HCD, in collaboration with other state agencies, to draft and carry-out a strategy to create an integrated research database containing information related to the cost of providing services to homeless individuals.

BART IMPACT:

AB 2161 supports BART's efforts and work by city, county, and non-profit partners to address the homelessness crisis in the Bay Area. BART currently employs a full-time Crises Intervention Coordinator and through a partnership with San Francisco MUNI and the City of San Francisco's Department of Homelessness funds two full-time Homelessness Outreach Team (HOT) employees. BART Police are also participating in San Francisco's Law Enforcement Assisted Diversion Program (LEAD SF) to refer repeat, low-level drug offenders to community-based health and social services.

BART's proposed FY19 budget includes additional funding for quality of life and homelessness initiatives. AB 2161 does not include direct funding opportunities for BART; however, the proposed data warehouse could support BART's current efforts to research and collect quantitative data on this issue. A state database could help local homeless assistance networks improve collaboration, decrease administrative and program costs, determine effective intervention efforts, identify gaps in services, and enhance planning and policy efforts to reduce homelessness.

KNOWN SUPPORT/OPPOSITION:

Support: Corporation for Supportive Housing (Co-Sponsor), Housing California (Co-Sponsor), California Commission on Aging, Disability Rights California

Opposition: None on file as of 3/19/18 (Assembly Housing and Community Development Committee).

OTHER COMMENTS:

STATUS:

Introduced on 2/12/18; referred to Assembly Housing and Community Development and passed 5-1 on 3/21/18; re-referred to Assembly Appropriations and placed on suspense on 4/4/18.

RECOMMENDATION:

Support

Watch

Oppose

Analysis completed on 4/16/18

ASSEMBLY BILL

No. 2161

**Introduced by Assembly Member Chiu
(Coauthors: Assembly Members Bloom, Bonta, and Santiago)
(Coauthor: Senator Beall)**

February 12, 2018

An act to add Chapter 5.9 (commencing with Section 13605) to Part 3 of Division 9 of the Welfare and Institutions Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2161, as introduced, Chiu. Housing: homeless integrated data warehouse.

Existing law establishes various programs, including, among others, the Emergency Housing and Assistance Program, to provide assistance to homeless persons. Existing law also establishes the Homeless Coordinating and Financing Council to, among other things, create a statewide data system or warehouse that collects local data through homeless management information systems, with the ultimate goal of matching data on homelessness programs to programs impacting homeless recipients of state programs, as specified.

This bill would direct the Department of Housing and Community Development to create a state homeless integrated data warehouse, in coordination with the Homeless Coordinating and Financing Council, to develop a composite portrayal of the homeless population in the state and the services provided to this population or to those at risk of becoming homeless. The bill requires certain information to be compiled for the database, including, among other things, the number of individuals and families experiencing homelessness, their access to benefits, and the stated reasons for their homelessness. The bill would

require the department to coordinate with other state agencies to draft and carry out a strategy to create an integrated data warehouse comprised of information to provide longitudinal, cost-based studies with relevant data, as specified. The bill requires the database to meet federal homeless management information system technical standards to protect privacy and would encourage local agencies that provide services to homeless persons and use homeless management information systems to collaborate with the department, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.9 (commencing with Section 13605)
2 is added to Part 3 of Division 9 of the Welfare and Institutions
3 Code, to read:

4
5 CHAPTER 5.9. HOMELESS INTEGRATED DATA WAREHOUSE

6
7 13605. (a) The Department of Housing and Community
8 Development shall do all of the following:

9 (1) Create a state homeless integrated data warehouse, in
10 coordination with the Homeless Coordinating and Financing
11 Council established by Section 8257, to compile data from
12 collaborative agencies' Homeless Management Information
13 Systems. This data warehouse shall serve the purpose of developing
14 a composite portrayal of the homeless population in the state, as
15 well as the services currently provided to individuals who are
16 homeless or who are at risk of becoming homeless and who are
17 receiving prevention services. Information compiled for the
18 warehouse shall include, but not be limited to, all of the following:

19 (A) Basic demographic information regarding individuals
20 experiencing homelessness or who are at risk of homelessness. If
21 available, demographic information should include ethnic and
22 racial identity, sexual orientation, gender identity, and gender
23 expression.

24 (B) The number of individuals with disabilities and the number
25 of families with a head of household experiencing a disability who
26 have been homeless for at least one year or at least four times in
27 the last three years.

- 1 (C) Homeless individuals' access to benefits.
- 2 (D) The number of individuals and families experiencing
- 3 homelessness.
- 4 (E) The number and entry and exit dates of individuals and
- 5 families living in emergency housing.
- 6 (F) The number and entry and exit dates of homeless individuals
- 7 and families living in transitional housing.
- 8 (G) The number and entry and exit dates of homeless individuals
- 9 and families living in permanent housing.
- 10 (H) Last known location or ZIP Code of homeless individuals
- 11 or families when housed.
- 12 (I) Stated reasons for homelessness.
- 13 (J) Disability status of people experiencing homelessness.
- 14 (K) Veteran status of people experiencing homelessness.
- 15 (L) If available, the number of unaccompanied youth
- 16 experiencing homelessness.
- 17 (2) Cooperate and collaborate with each of the following state
- 18 agencies, as necessary, to draft and carry out a strategy to create
- 19 an integrated data warehouse comprised of information from the
- 20 Department of Corrections and Rehabilitation, the State Department
- 21 of Health Care Services, the State Department of State Hospitals,
- 22 the State Department of Social Services, the Department of
- 23 Veterans Affairs, and the State Department of Alcohol and Drug
- 24 Programs, to provide longitudinal, cost-based studies to determine
- 25 all of the following information:
- 26 (A) The number of people imprisoned each year who were
- 27 homeless upon arrest and the cost of their imprisonment.
- 28 (B) The number of parolees experiencing homelessness each
- 29 year and the cost of their parole.
- 30 (C) The number of children in California schools experiencing
- 31 homelessness.
- 32 (D) Claims for Medi-Cal emergency department, hospital, and
- 33 nursing home services among people experiencing homelessness,
- 34 and the costs of those claims each year.
- 35 (E) The number of children receiving foster care services whose
- 36 family members are homeless and the cost of the foster care
- 37 provided to those children each year.
- 38 (F) Relevant information regarding the number of people who
- 39 are homeless receiving services through the State Department of
- 40 State Hospitals, State Department of Social Services, Department

- 1 of Veterans Affairs, and State Department of Alcohol and Drug
2 Programs and the cost and outcomes of those services.
- 3 (G) The number of people living in housing funded through
4 programs administered by the Department of Housing and
5 Community Development who were homeless upon admission.
- 6 (3) Facilitate the creation of a users' group to ensure quality,
7 relevance, and appropriate access to the integrated data. This group
8 should include, but not be limited to, a minimum of five and a
9 maximum of 15 select members of contributing federal Continuum
10 of Care Program Collaborative Applicants.
- 11 (b) The data warehouse shall meet the requirements of the
12 United States Department of Housing and Urban Development's
13 Homeless Management Information System Technical Standards
14 in protecting privacy.
- 15 (c) Upon completion of a data warehouse that includes the data
16 specified in subdivision (a), participating agencies shall input and
17 update its data, at a minimum, each quarter.
- 18 (d) Local agencies providing services to homeless persons that
19 use a homeless management information system are encouraged
20 to collaborate with the Department of Housing and Community
21 Development in developing the data warehouse pursuant to this
22 chapter.



AB 2162 Analysis and Recommendation

TITLE: AB 2162 – Planning and zoning: housing development: supportive housing

AUTHOR: Chiu (D – San Francisco)

SPONSORS: Cooperation for Supportive Housing and Housing California

BACKGROUND:

According to the U.S. Department of Housing and Urban Development, California is home to 25% of the nation's homeless population and 42% of the nation's chronically homeless. Despite growing local, state, and federal recognition of supportive housing as an evidence-based intervention for homeless residents, planners and local policymakers face opposition to supportive housing projects. Under the current approval process, supportive housing projects can take three or more years to develop, due to delays or denials of applications to build.

The state and local communities have made significant investments to increase the supply of affordable housing and housing for those who are homeless. In 2016, the Legislature passed No Place Like Home, creating \$2 billion in new funding for the construction of permanent supportive housing. On the November 2018 ballot, voters will consider approving a \$4 billion housing bond that includes \$1.5 billion for affordable housing developments. SB 2 (Atkins, 2017), the Building Homes and Jobs Act, will also generate ongoing funding for affordable housing including significant funding in the first year to address homelessness.

PURPOSE:

AB 2162 seeks to expedite the delivery of supportive housing by prohibiting local governments from applying a conditional use permit or other discretionary review to the approval of 100% affordable developments that include a percentage (35% or 15 units whichever is greater) of supportive housing units on sites zoned for multifamily and mixed uses. Developers would be required to include facilities and onsite services for residents of the supportive housing units. In addition, developers must provide the local government the name of the service provider, staffing levels, and funding sources for the services. Local governments can apply objective, written design standards to a development and would need to notify a developer within 30 days if the project application is complete. Within 60 days, the local government would need to complete review for projects with fewer than 25 units, and 90 days for projects with more than 25 units.

BART IMPACT:

While AB 2162 does not provide BART with additional resources to address homelessness and quality of life issues across the system, the bill does attempt to address some of the barriers preventing BART's local partners from developing affordable and supportive housing in the region. AB 2162 seeks to streamline the development of affordable housing that includes supportive services, which could potentially benefit individuals seeking shelter in the system or living in encampments next to BART's trackways or other infrastructure. The BART Board took recent actions to support a development at the Fruitvale Transit Village that included 20 units of affordable housing for homeless veterans and supportive services provided by a community non-profit. BART's adopted Transit-Oriented Development Policy and Affordable Housing Policy also include provisions targeting low-income and transit-dependent populations, who could benefit from housing created with the help of this legislation.

KNOWN SUPPORT/OPPOSITION:

Support: Corporation for Supportive Housing (co-sponsor), Housing California (co-sponsor), Adobe Services, American Planning Association – California Chapter (if amend), A Community of Friends, California Apartment Association, California Housing Consortium, County of Santa Clara, Destination Home, Disability Rights California, EAH Housing, National Association of Social Workers - California Chapter, Los Angeles Homeless Services Authority, Non-Profit Housing Association of Northern California, PATH, San Diego Housing Federation, Southern Association of Nonprofit Housing, Supportive Housing Alliance, Venice Community Housing Corporation

Opposition: Cities of Fullerton and Huntington Beach

OTHER COMMENTS:

STATUS:

Passed Assembly Housing and Community Development 4-1 on 3/21/18; amended 4/10/18 and re-referred to Assembly Local Government and scheduled for hearing on 4/18/18; passed Assembly Local Government 6-3 on 4/18/18 and re-referred to Assembly Appropriations.

RECOMMENDATION:

Support

Watch

Oppose

Analysis completed on 4/19/18

AMENDED IN ASSEMBLY APRIL 10, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2162

**Introduced by Assembly Members Chiu and Daly
(Coauthors: Assembly Members Bloom, Bonta, Caballero,
Friedman, and Gloria)**

February 12, 2018

An act to *amend Section 65583 of, and to add Article 11 (commencing with Section 65650) to Chapter 3 of Division 1 of Title 7-of of, the Government Code, relating to land use.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2162, as amended, Chiu. Planning and zoning: housing development: supportive housing.

The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city that includes, among other mandatory elements, a housing element. That law requires the housing element to ~~contain~~ *contain, among other things, an assessment of housing needs and an inventory of resources and constraints relevant to meeting those needs and a program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, and implementation. That law specifies that transitional housing and supportive housing are a residential use of property, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.*

This bill would make a nonsubstantive change to this requirement.

The Planning and Zoning Law requires the rezoning of sites identified in the inventory of sites by specific deadlines where the inventory does

not identify adequate sites to accommodate the need for groups of all household income levels. That law further requires this rezoning to accommodate 100% of the need for housing for very low and low-income households, as specified, on sites zoned to permit owner-occupied and rental multifamily residential use by right during the planning period and defines the term “use by right” for these purposes.

This bill would require that supportive housing be a use by right in zones where ~~multiple dwelling~~ *multifamily and mixed* uses are permitted, including commercial zones, *zones permitting multifamily uses*, if the proposed housing development meets specified criteria and would require a local government to approve, within specified periods, a supportive housing development that complies with these requirements. The bill would require that a developer of supportive housing provide the planning agency with a plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents in the project and describing those services, as provided. The bill would prohibit the local government from imposing any minimum parking requirement, ~~other than to require that the development include employee parking,~~ *requirement for units occupied by supportive housing residents* if the development is located within ½ mile of a public transit stop. The bill would specify that its provisions do not (1) preclude or limit the ability of a developer to seek a density bonus from the local government or (2) expand or contract the authority of a local government to adopt or amend an ordinance, charter, general plan, specific plan, resolution, or other land use policy or regulation that promotes the development of supportive housing.

The bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

By adding to the duties of local planning officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) California's homeless population increased by over 16,000
3 from 2016 to 2017, to 134,278 Californians experiencing
4 homelessness at any point in time. Two to three times this number
5 experienced homelessness during the course of last year.
6 Twenty-five percent of the nation's total homeless population and
7 almost half of the nation's unsheltered population reside in
8 California. California now has one of the highest rates of
9 homelessness per resident, twice as high as the national average.

10 (b) Addressing homelessness is urgent, as communities across
11 the state face public health emergencies, including widespread
12 Hepatitis A infection among residents experiencing homelessness
13 in several major cities, higher mortality among homeless people
14 with HIV and AIDS, and early mortality among people
15 experiencing chronic homelessness.

16 (c) Chronic patterns of homelessness—homelessness lasting at
17 least a year or repeatedly over three years—are on the rise in
18 California, whereas decreasing elsewhere. As of 2017, 42 percent
19 of those experiencing chronic homelessness nationwide live in
20 California. The vast majority of these individuals and families
21 have lived in California since well before becoming homeless.

22 (d) Evidence shows supportive housing—an affordable rental
23 with intensive services promoting housing stability—works to
24 reduce chronic homelessness. As a result, the Legislature has
25 invested in supportive housing, including the No Place Like Home
26 Program, which will generate \$2 billion in revenue bonds to build
27 supportive housing for homeless Californians with serious mental
28 illness.

29 (e) Studies reveal supportive housing benefits communities by
30 reducing homelessness locally, addressing blight, and increasing
31 property values. Yet one of the barriers to creating supportive
32 housing has been local delays or denials of applications to build
33 supportive housing, based on subjective local planning standards.
34 Delays or denials of building applications add to the costs and
35 timeline of development, affecting the effectiveness of state dollars.

36 (f) Given the urgent need to provide supportive housing to
37 Californians experiencing chronic homelessness, streamlining and
38 expediting the process of approving supportive housing

1 applications will offer housing opportunities in communities with
2 few or no opportunities to exit chronic homelessness. Further, it
3 will promote progress in addressing the growing crisis of
4 homelessness the Legislature intended through recent initiatives.

5 *SEC. 2. Section 65583 of the Government Code is amended to*
6 *read:*

7 65583. The housing element shall consist of an identification
8 and analysis of existing and projected housing needs and a
9 statement of goals, policies, quantified objectives, financial
10 resources, and scheduled programs for the preservation,
11 improvement, and development of housing. The housing element
12 shall identify adequate sites for housing, including rental housing,
13 factory-built housing, mobilehomes, and emergency shelters, and
14 shall make adequate provision for the existing and projected needs
15 of all economic segments of the community. The element shall
16 contain all of the following:

17 (a) An assessment of housing needs and an inventory of
18 resources and constraints relevant to the meeting of these needs.
19 The assessment and inventory shall include all of the following:

20 (1) An analysis of population and employment trends and
21 documentation of projections and a quantification of the locality's
22 existing and projected housing needs for all income levels,
23 including extremely low income households, as defined in
24 subdivision (b) of Section 50105 and Section 50106 of the Health
25 and Safety Code. These existing and projected needs shall include
26 the locality's share of the regional housing need in accordance
27 with Section 65584. Local agencies shall calculate the subset of
28 very low income households allotted under Section 65584 that
29 qualify as extremely low income households. The local agency
30 may either use available census data to calculate the percentage
31 of very low income households that qualify as extremely low
32 income households or presume that 50 percent of the very low
33 income households qualify as extremely low income households.
34 The number of extremely low income households and very low
35 income households shall equal the jurisdiction's allocation of very
36 low income households pursuant to Section 65584.

37 (2) An analysis and documentation of household characteristics,
38 including level of payment compared to ability to pay, housing
39 characteristics, including overcrowding, and housing stock
40 condition.

1 (3) An inventory of land suitable and available for residential
2 development, including vacant sites and sites having realistic and
3 demonstrated potential for redevelopment during the planning
4 period to meet the locality's housing need for a designated income
5 level, and an analysis of the relationship of zoning and public
6 facilities and services to these sites.

7 (4) (A) The identification of a zone or zones where emergency
8 shelters are allowed as a permitted use without a conditional use
9 or other discretionary permit. The identified zone or zones shall
10 include sufficient capacity to accommodate the need for emergency
11 shelter identified in paragraph (7), except that each local
12 government shall identify a zone or zones that can accommodate
13 at least one year-round emergency shelter. If the local government
14 cannot identify a zone or zones with sufficient capacity, the local
15 government shall include a program to amend its zoning ordinance
16 to meet the requirements of this paragraph within one year of the
17 adoption of the housing element. The local government may
18 identify additional zones where emergency shelters are permitted
19 with a conditional use permit. The local government shall also
20 demonstrate that existing or proposed permit processing,
21 development, and management standards are objective and
22 encourage and facilitate the development of, or conversion to,
23 emergency shelters. Emergency shelters may only be subject to
24 those development and management standards that apply to
25 residential or commercial development within the same zone except
26 that a local government may apply written, objective standards
27 that include all of the following:

28 (i) The maximum number of beds or persons permitted to be
29 served nightly by the facility.

30 (ii) Off-street parking based upon demonstrated need, provided
31 that the standards do not require more parking for emergency
32 shelters than for other residential or commercial uses within the
33 same zone.

34 (iii) The size and location of exterior and interior onsite waiting
35 and client intake areas.

36 (iv) The provision of onsite management.

37 (v) The proximity to other emergency shelters, provided that
38 emergency shelters are not required to be more than 300 feet apart.

39 (vi) The length of stay.

40 (vii) Lighting.

1 (viii) Security during hours that the emergency shelter is in
2 operation.

3 (B) The permit processing, development, and management
4 standards applied under this paragraph shall not be deemed to be
5 discretionary acts within the meaning of the California
6 Environmental Quality Act (Division 13 (commencing with Section
7 21000) of the Public Resources Code).

8 (C) A local government that can demonstrate to the satisfaction
9 of the department the existence of one or more emergency shelters
10 either within its jurisdiction or pursuant to a multijurisdictional
11 agreement that can accommodate that jurisdiction's need for
12 emergency shelter identified in paragraph (7) may comply with
13 the zoning requirements of subparagraph (A) by identifying a zone
14 or zones where new emergency shelters are allowed with a
15 conditional use permit.

16 (D) A local government with an existing ordinance or ordinances
17 that comply with this paragraph shall not be required to take
18 additional action to identify zones for emergency shelters. The
19 housing element must only describe how existing ordinances,
20 policies, and standards are consistent with the requirements of this
21 paragraph.

22 (5) An analysis of potential and actual governmental constraints
23 upon the maintenance, improvement, or development of housing
24 for all income levels, including the types of housing identified in
25 paragraph (1) of subdivision (c), and for persons with disabilities
26 as identified in the analysis pursuant to paragraph (7), including
27 land use controls, building codes and their enforcement, site
28 improvements, fees and other exactions required of developers,
29 local processing and permit procedures, and any locally adopted
30 ordinances that directly impact the cost and supply of residential
31 development. The analysis shall also demonstrate local efforts to
32 remove governmental constraints that hinder the locality from
33 meeting its share of the regional housing need in accordance with
34 Section 65584 and from meeting the need for housing for persons
35 with disabilities, supportive housing, transitional housing, and
36 emergency shelters identified pursuant to paragraph (7).
37 ~~Transitional housing and supportive housing shall be considered~~
38 ~~a residential use of property, and shall be subject only to those~~
39 ~~restrictions that apply to other residential dwellings of the same~~
40 ~~type in the same zone.~~

1 (6) An analysis of potential and actual nongovernmental
2 constraints upon the maintenance, improvement, or development
3 of housing for all income levels, including the availability of
4 financing, the price of land, the cost of construction, the requests
5 to develop housing at densities below those anticipated in the
6 analysis required by subdivision (c) of Section 65583.2, and the
7 length of time between receiving approval for a housing
8 development and submittal of an application for building permits
9 for that housing development that hinder the construction of a
10 locality's share of the regional housing need in accordance with
11 Section 65584. The analysis shall also demonstrate local efforts
12 to remove nongovernmental constraints that create a gap between
13 the locality's planning for the development of housing for all
14 income levels and the construction of that housing.

15 (7) An analysis of any special housing needs, such as those of
16 the elderly; persons with disabilities, including a developmental
17 disability, as defined in Section 4512 of the Welfare and
18 Institutions Code; large families; farmworkers; families with female
19 heads of households; and families and persons in need of
20 emergency shelter. The need for emergency shelter shall be
21 assessed based on annual and seasonal need. The need for
22 emergency shelter may be reduced by the number of supportive
23 housing units that are identified in an adopted 10-year plan to end
24 chronic homelessness and that are either vacant or for which
25 funding has been identified to allow construction during the
26 planning period. An analysis of special housing needs by a city or
27 county may include an analysis of the need for frequent user
28 coordinated care housing services.

29 (8) An analysis of opportunities for energy conservation with
30 respect to residential development. Cities and counties are
31 encouraged to include weatherization and energy efficiency
32 improvements as part of publicly subsidized housing rehabilitation
33 projects. This may include energy efficiency measures that
34 encompass the building envelope, its heating and cooling systems,
35 and its electrical system.

36 (9) An analysis of existing assisted housing developments that
37 are eligible to change from low-income housing uses during the
38 next 10 years due to termination of subsidy contracts, mortgage
39 prepayment, or expiration of restrictions on use. "Assisted housing
40 developments," for the purpose of this section, shall mean

1 multifamily rental housing that receives governmental assistance
2 under federal programs listed in subdivision (a) of Section
3 65863.10, state and local multifamily revenue bond programs,
4 local redevelopment programs, the federal Community
5 Development Block Grant Program, or local in-lieu fees. “Assisted
6 housing developments” shall also include multifamily rental units
7 that were developed pursuant to a local inclusionary housing
8 program or used to qualify for a density bonus pursuant to Section
9 65916.

10 (A) The analysis shall include a listing of each development by
11 project name and address, the type of governmental assistance
12 received, the earliest possible date of change from low-income
13 use, and the total number of elderly and nonelderly units that could
14 be lost from the locality’s low-income housing stock in each year
15 during the 10-year period. For purposes of state and federally
16 funded projects, the analysis required by this subparagraph need
17 only contain information available on a statewide basis.

18 (B) The analysis shall estimate the total cost of producing new
19 rental housing that is comparable in size and rent levels, to replace
20 the units that could change from low-income use, and an estimated
21 cost of preserving the assisted housing developments. This cost
22 analysis for replacement housing may be done aggregately for
23 each five-year period and does not have to contain a
24 project-by-project cost estimate.

25 (C) The analysis shall identify public and private nonprofit
26 corporations known to the local government which have legal and
27 managerial capacity to acquire and manage these housing
28 developments.

29 (D) The analysis shall identify and consider the use of all federal,
30 state, and local financing and subsidy programs which can be used
31 to preserve, for lower income households, the assisted housing
32 developments, identified in this paragraph, including, but not
33 limited to, federal Community Development Block Grant Program
34 funds, tax increment funds received by a redevelopment agency
35 of the community, and administrative fees received by a housing
36 authority operating within the community. In considering the use
37 of these financing and subsidy programs, the analysis shall identify
38 the amounts of funds under each available program which have
39 not been legally obligated for other purposes and which could be
40 available for use in preserving assisted housing developments.

1 (b) (1) A statement of the community's goals, quantified
2 objectives, and policies relative to the maintenance, preservation,
3 improvement, and development of housing.

4 (2) It is recognized that the total housing needs identified
5 pursuant to subdivision (a) may exceed available resources and
6 the community's ability to satisfy this need within the content of
7 the general plan requirements outlined in Article 5 (commencing
8 with Section 65300). Under these circumstances, the quantified
9 objectives need not be identical to the total housing needs. The
10 quantified objectives shall establish the maximum number of
11 housing units by income category, including extremely low income,
12 that can be constructed, rehabilitated, and conserved over a
13 five-year time period.

14 (c) A program which sets forth a schedule of actions during the
15 planning period, each with a timeline for implementation, which
16 may recognize that certain programs are ongoing, such that there
17 will be beneficial impacts of the programs within the planning
18 period, that the local government is undertaking or intends to
19 undertake to implement the policies and achieve the goals and
20 objectives of the housing element through the administration of
21 land use and development controls, the provision of regulatory
22 concessions and incentives, the utilization of appropriate federal
23 and state financing and subsidy programs when available, and the
24 utilization of moneys in a low- and moderate-income housing fund
25 of an agency if the locality has established a redevelopment project
26 area pursuant to the Community Redevelopment Law (Division
27 24 (commencing with Section 33000) of the Health and Safety
28 Code). In order to make adequate provision for the housing needs
29 of all economic segments of the community, the program shall do
30 all of the following:

31 (1) Identify actions that will be taken to make sites available
32 during the planning period with appropriate zoning and
33 development standards and with services and facilities to
34 accommodate that portion of the city's or county's share of the
35 regional housing need for each income level that could not be
36 accommodated on sites identified in the inventory completed
37 pursuant to paragraph (3) of subdivision (a) without rezoning, and
38 to comply with the requirements of Section 65584.09. Sites shall
39 be identified as needed to facilitate and encourage the development
40 of a variety of types of housing for all income levels, including

1 multifamily rental housing, factory-built housing, mobilehomes,
2 housing for agricultural employees, supportive housing,
3 single-room occupancy units, emergency shelters, and transitional
4 housing.

5 (A) Where the inventory of sites, pursuant to paragraph (3) of
6 subdivision (a), does not identify adequate sites to accommodate
7 the need for groups of all household income levels pursuant to
8 Section 65584, rezoning of those sites, including adoption of
9 minimum density and development standards, for jurisdictions
10 with an eight-year housing element planning period pursuant to
11 Section 65588, shall be completed no later than three years after
12 either the date the housing element is adopted pursuant to
13 subdivision (f) of Section 65585 or the date that is 90 days after
14 receipt of comments from the department pursuant to subdivision
15 (b) of Section 65585, whichever is earlier, unless the deadline is
16 extended pursuant to subdivision (f). Notwithstanding the
17 foregoing, for a local government that fails to adopt a housing
18 element within 120 days of the statutory deadline in Section 65588
19 for adoption of the housing element, rezoning of those sites,
20 including adoption of minimum density and development standards,
21 shall be completed no later than three years and 120 days from the
22 statutory deadline in Section 65588 for adoption of the housing
23 element.

24 (B) Where the inventory of sites, pursuant to paragraph (3) of
25 subdivision (a), does not identify adequate sites to accommodate
26 the need for groups of all household income levels pursuant to
27 Section 65584, the program shall identify sites that can be
28 developed for housing within the planning period pursuant to
29 subdivision (h) of Section 65583.2. The identification of sites shall
30 include all components specified in Section 65583.2.

31 (C) Where the inventory of sites pursuant to paragraph (3) of
32 subdivision (a) does not identify adequate sites to accommodate
33 the need for farmworker housing, the program shall provide for
34 sufficient sites to meet the need with zoning that permits
35 farmworker housing use by right, including density and
36 development standards that could accommodate and facilitate the
37 feasibility of the development of farmworker housing for low- and
38 very low income households.

1 (2) Assist in the development of adequate housing to meet the
2 needs of extremely low, very low, low-, and moderate-income
3 households.

4 (3) Address and, where appropriate and legally possible, remove
5 governmental and nongovernmental constraints to the maintenance,
6 improvement, and development of housing, including housing for
7 all income levels and housing for persons with disabilities. The
8 program shall remove constraints to, and provide reasonable
9 accommodations for housing designed for, intended for occupancy
10 by, or with supportive services for, persons with disabilities.
11 *Transitional housing and supportive housing shall be considered*
12 *a residential use of property and shall be subject only to those*
13 *restrictions that apply to other residential dwellings of the same*
14 *type in the same zone. Supportive housing, as defined in Section*
15 *65650, shall be a use by right in all zones where multifamily and*
16 *mixed uses are permitted.*

17 (4) Conserve and improve the condition of the existing
18 affordable housing stock, which may include addressing ways to
19 mitigate the loss of dwelling units demolished by public or private
20 action.

21 (5) Promote housing opportunities for all persons regardless of
22 race, religion, sex, marital status, ancestry, national origin, color,
23 familial status, or disability.

24 (6) Preserve for lower income households the assisted housing
25 developments identified pursuant to paragraph (9) of subdivision
26 (a). The program for preservation of the assisted housing
27 developments shall utilize, to the extent necessary, all available
28 federal, state, and local financing and subsidy programs identified
29 in paragraph (9) of subdivision (a), except where a community has
30 other urgent needs for which alternative funding sources are not
31 available. The program may include strategies that involve local
32 regulation and technical assistance.

33 (7) Include an identification of the agencies and officials
34 responsible for the implementation of the various actions and the
35 means by which consistency will be achieved with other general
36 plan elements and community goals.

37 (8) Include a diligent effort by the local government to achieve
38 public participation of all economic segments of the community
39 in the development of the housing element, and the program shall
40 describe this effort.

1 (d) (1) A local government may satisfy all or part of its
2 requirement to identify a zone or zones suitable for the
3 development of emergency shelters pursuant to paragraph (4) of
4 subdivision (a) by adopting and implementing a multijurisdictional
5 agreement, with a maximum of two other adjacent communities,
6 that requires the participating jurisdictions to develop at least one
7 year-round emergency shelter within two years of the beginning
8 of the planning period.

9 (2) The agreement shall allocate a portion of the new shelter
10 capacity to each jurisdiction as credit toward its emergency shelter
11 need, and each jurisdiction shall describe how the capacity was
12 allocated as part of its housing element.

13 (3) Each member jurisdiction of a multijurisdictional agreement
14 shall describe in its housing element all of the following:

15 (A) How the joint facility will meet the jurisdiction's emergency
16 shelter need.

17 (B) The jurisdiction's contribution to the facility for both the
18 development and ongoing operation and management of the
19 facility.

20 (C) The amount and source of the funding that the jurisdiction
21 contributes to the facility.

22 (4) The aggregate capacity claimed by the participating
23 jurisdictions in their housing elements shall not exceed the actual
24 capacity of the shelter.

25 (e) Except as otherwise provided in this article, amendments to
26 this article that alter the required content of a housing element
27 shall apply to both of the following:

28 (1) A housing element or housing element amendment prepared
29 pursuant to subdivision (e) of Section 65588 or Section 65584.02,
30 when a city, county, or city and county submits a draft to the
31 department for review pursuant to Section 65585 more than 90
32 days after the effective date of the amendment to this section.

33 (2) Any housing element or housing element amendment
34 prepared pursuant to subdivision (e) of Section 65588 or Section
35 65584.02, when the city, county, or city and county fails to submit
36 the first draft to the department before the due date specified in
37 Section 65588 or 65584.02.

38 (f) The deadline for completing required rezoning pursuant to
39 subparagraph (A) of paragraph (1) of subdivision (c) shall be
40 extended by one year if the local government has completed the

1 rezoning at densities sufficient to accommodate at least 75 percent
2 of the units for low- and very low income households and if the
3 legislative body at the conclusion of a public hearing determines,
4 based upon substantial evidence, that any of the following
5 circumstances exist:

6 (1) The local government has been unable to complete the
7 rezoning because of the action or inaction beyond the control of
8 the local government of any other state, federal, or local agency.

9 (2) The local government is unable to complete the rezoning
10 because of infrastructure deficiencies due to fiscal or regulatory
11 constraints.

12 (3) The local government must undertake a major revision to
13 its general plan in order to accommodate the housing-related
14 policies of a sustainable communities strategy or an alternative
15 planning strategy adopted pursuant to Section 65080.

16 The resolution and the findings shall be transmitted to the
17 department together with a detailed budget and schedule for
18 preparation and adoption of the required rezonings, including plans
19 for citizen participation and expected interim action. The schedule
20 shall provide for adoption of the required rezoning within one year
21 of the adoption of the resolution.

22 (g) (1) If a local government fails to complete the rezoning by
23 the deadline provided in subparagraph (A) of paragraph (1) of
24 subdivision (c), as it may be extended pursuant to subdivision (f),
25 except as provided in paragraph (2), a local government may not
26 disapprove a housing development project, nor require a
27 conditional use permit, planned unit development permit, or other
28 locally imposed discretionary permit, or impose a condition that
29 would render the project infeasible, if the housing development
30 project (A) is proposed to be located on a site required to be
31 rezoned pursuant to the program action required by that
32 subparagraph and (B) complies with applicable, objective general
33 plan and zoning standards and criteria, including design review
34 standards, described in the program action required by that
35 subparagraph. Any subdivision of sites shall be subject to the
36 Subdivision Map Act (Division 2 (commencing with Section
37 66410)). Design review shall not constitute a “project” for purposes
38 of Division 13 (commencing with Section 21000) of the Public
39 Resources Code.

1 (2) A local government may disapprove a housing development
2 described in paragraph (1) if it makes written findings supported
3 by substantial evidence on the record that both of the following
4 conditions exist:

5 (A) The housing development project would have a specific,
6 adverse impact upon the public health or safety unless the project
7 is disapproved or approved upon the condition that the project be
8 developed at a lower density. As used in this paragraph, a “specific,
9 adverse impact” means a significant, quantifiable, direct, and
10 unavoidable impact, based on objective, identified written public
11 health or safety standards, policies, or conditions as they existed
12 on the date the application was deemed complete.

13 (B) There is no feasible method to satisfactorily mitigate or
14 avoid the adverse impact identified pursuant to paragraph (1), other
15 than the disapproval of the housing development project or the
16 approval of the project upon the condition that it be developed at
17 a lower density.

18 (3) The applicant or any interested person may bring an action
19 to enforce this subdivision. If a court finds that the local agency
20 disapproved a project or conditioned its approval in violation of
21 this subdivision, the court shall issue an order or judgment
22 compelling compliance within 60 days. The court shall retain
23 jurisdiction to ensure that its order or judgment is carried out. If
24 the court determines that its order or judgment has not been carried
25 out within 60 days, the court may issue further orders to ensure
26 that the purposes and policies of this subdivision are fulfilled. In
27 any such action, the city, county, or city and county shall bear the
28 burden of proof.

29 (4) For purposes of this subdivision, “housing development
30 project” means a project to construct residential units for which
31 the project developer provides sufficient legal commitments to the
32 appropriate local agency to ensure the continued availability and
33 use of at least 49 percent of the housing units for very low, low-,
34 and moderate-income households with an affordable housing cost
35 or affordable rent, as defined in Section 50052.5 or 50053 of the
36 Health and Safety Code, respectively, for the period required by
37 the applicable financing.

38 (h) An action to enforce the program actions of the housing
39 element shall be brought pursuant to Section 1085 of the Code of
40 Civil Procedure.

1 ~~SEC. 2.~~

2 *SEC. 3.* Article 11 (commencing with Section 65650) is added
3 to Chapter 3 of Division 1 of Title 7 of the Government Code, to
4 read:

5
6 Article 11. Supportive Housing

7
8 65650. For purposes of this article, the following definitions
9 shall apply:

10 (a) "Supportive housing" shall have the same meaning as defined
11 in Section ~~65582~~, except that supportive housing for purposes of
12 this article shall also incorporate the core components of Housing
13 First, as provided in subdivision (b) of Section 8255 of the Welfare
14 and Institutions Code. *50675.14 of the Health and Safety Code.*

15 (b) "Supportive services" shall have the same meaning as
16 defined in Section 65582.

17 (c) "Use by right" shall have the same meaning as defined in
18 Section 65583.2.

19 65651. (a) Supportive housing shall be a use by right in zones
20 where ~~multiple dwelling~~ *multifamily and mixed* uses are permitted,
21 including commercial zones, *zones permitting multifamily uses*, if
22 the proposed housing development satisfies all of the following
23 requirements:

24 (1) Units within the development are subject to a recorded
25 affordability restriction for 55 years.

26 (2) One hundred percent of the ~~units~~ *units, excluding managers'*
27 *units*, within the development are dedicated to ~~low-income~~ *lower*
28 *income* households and are receiving public funding to ensure
29 affordability of the housing to ~~low-income~~ *lower income*
30 Californians. For purposes of this paragraph, ~~"low-income~~ *"lower*
31 *income households"* means ~~households with an income equal to~~
32 ~~or less than 80 percent of the area median income.~~ *has the same*
33 *meaning as defined in Section 50079.5 of the Health and Safety*
34 *Code.*

35 (3) At least 35 percent of the units in the development or 15
36 units, whichever is greater, are restricted to residents in supportive
37 housing. If the development consists of fewer than 15 units, then
38 100 percent of the ~~units~~ *units, excluding managers' units*, in the
39 development shall be restricted to residents in supportive housing.

1 (4) The developer provides the planning agency with the
2 information required by Section 65652.

3 (5) Nonresidential floor area shall be used for onsite supportive
4 services in the following amounts:

5 (A) For a development with 20 or fewer total units, at least 90
6 square feet shall be provided for onsite supportive services.

7 (B) For a development with more than 20 units, at least 3 percent
8 of the total nonresidential floor area shall be provided for onsite
9 supportive services that are limited to tenant use, including, but
10 not limited to, community rooms, case management offices,
11 computer rooms, and community kitchens.

12 (6) The developer replaces any dwelling units on the site of the
13 supportive housing development in the manner provided in
14 paragraph (3) of subdivision (c) of Section 65915.

15 (7) Units within the ~~development~~ *development, excluding*
16 *managers' units*, include at least one bathroom and a kitchen or
17 other cooking facilities, including, at minimum, a stovetop, a sink,
18 and a refrigerator.

19 (b) The local government may require a supportive housing
20 development subject to this article to comply with ~~objective and~~
21 ~~quantifiable objective~~, written development ~~standards, conditions,~~
22 ~~standards~~ and policies; provided, however, that the ~~local~~
23 ~~government shall apply the least restrictive zoning standards or~~
24 ~~requirements applicable to the jurisdiction.~~ *development shall only*
25 *be subject to the objective standards and policies that apply to*
26 *other multifamily development within the same zone.*

27 (c) Notwithstanding any other provision of this section to the
28 contrary, the local government shall, at the request of the project
29 owner, ~~modify~~ *reduce* the number of residents required to live in
30 supportive housing if the project-based rental assistance or
31 operating subsidy for a supportive housing project is terminated
32 through no fault of the project owner, but only if all of the
33 following conditions have been met:

34 (1) The owner demonstrates that it has made good faith efforts
35 to find other sources of financial support.

36 (2) Any change in the number of supportive service units is
37 restricted to the minimum necessary to maintain project's financial
38 feasibility.

1 (3) Any change to the occupancy of the supportive housing units
2 is made in a manner that minimizes tenant disruption and only
3 upon the vacancy of any supportive housing units.

4 65652. A developer of supportive housing subject to this article
5 shall provide the planning agency with a plan for providing
6 supportive services, with documentation demonstrating that
7 supportive services will be provided onsite to residents in the
8 project, as required by Section 65651, and describing those
9 services, which shall include all of the following:

10 (a) The name of the proposed entity or entities that will provide
11 supportive services.

12 (b) The proposed funding source or sources for the provided
13 onsite supportive services.

14 (c) Proposed staffing levels.

15 65653. (a) The local government shall approve a supportive
16 housing development that complies with the applicable
17 requirements of this article.

18 (b) The local government shall notify the developer whether
19 the application is complete within 30 days, and shall issue final
20 approval within 60 days, *days* of receipt of an application to
21 develop supportive housing in accordance with this article. *The*
22 *local government shall complete its review of the application within*
23 *60 days after the application is complete, for a project with 25 or*
24 *fewer units, or within 90 days after the application is complete,*
25 *for a project with more than 25 units.*

26 65654. If the supportive housing development is located within
27 one-half mile of a public transit stop, the local government shall
28 not impose any minimum parking requirements, ~~except that the~~
29 ~~local government may require the supportive housing development~~
30 ~~to include employee parking.~~ *requirements for the units occupied*
31 *by supportive housing residents.*

32 65655. This article shall not be construed to do either of the
33 following:

34 (a) Preclude or limit the ability of a developer to seek a density
35 bonus from the local government pursuant to Section 65915.

36 (b) Expand or contract the authority of a local government to
37 adopt or amend an ordinance, charter, general plan, specific plan,
38 resolution, or other land use policy or regulation that promotes the
39 development of supportive housing.

1 65656. The Legislature finds and declares that the provision
2 of adequate supportive housing to help alleviate the severe shortage
3 of housing opportunities for people experiencing homelessness in
4 this state and of necessary services to the target population
5 described in Section ~~65582~~ 50675.14 of the *Health and Safety*
6 *Code* is a matter of statewide concern and is not a municipal affair
7 as that term is used in Section 5 of Article XI of the California
8 Constitution. Therefore, this article applies to all cities, including
9 charter cities.

10 ~~SEC. 3.~~

11 *SEC. 4.* No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 a local agency or school district has the authority to levy service
14 charges, fees, or assessments sufficient to pay for the program or
15 level of service mandated by this act, within the meaning of Section
16 17556 of the Government Code.



AB 3171 Analysis and Recommendation

TITLE: AB 3171 – Homeless Persons Services Block Grant

AUTHOR: Ting (D – San Francisco)

SPONSORS: Mayors of Los Angeles, San Diego, San Jose, San Francisco, Fresno, Long Beach, Sacramento, Oakland, Bakersfield, Anaheim and Santa Ana.

BACKGROUND:

The latest U.S. Department of Housing and Urban Development report shows that California experienced year-to-year increases in its homeless population by 13% in 2016 and nearly 14% in 2017. According to 2017 statewide counts, California's homeless population has increased to 134,278 persons. In response to this crisis, cities and counties continue to commit local funds to homeless relief efforts and have increased annual spending on these efforts by hundreds of millions of dollars statewide. Cities and counties have created unique programs to provide housing, shelter, supportive services, and outreach to people experiencing homelessness. Despite these efforts, substantial assistance from the state is needed to address the magnitude and complexity of the statewide homelessness crisis.

The California Big 11 Mayors is a bipartisan group comprised of the most populous cities in the state. Member cities include: Los Angeles, San Diego, San Jose, San Francisco, Fresno, Long Beach, Sacramento, Oakland, Bakersfield, Anaheim and Santa Ana. In early February, the Big 11 sent a letter to legislative leaders urging them to set aside part of the state's estimated \$6.1 billion budget surplus, or 25%, to help boost services to the homeless.

PURPOSE:

AB 3171 would create the Local Homeless Solutions Program to provide matching funds to cities to create innovative and immediate solutions to problems caused by homelessness. Upon appropriation of an unspecified amount by the Legislature from the General Fund to the Local Homelessness Solutions Account, the State Controller would apportion funds to cities in proportion to each city's most recent total homeless population, as reported by the U.S. Department of Housing and Urban Development's Continuum of Care Program. Cities would be allowed to spend these funds on programs such as shelter diversion, rapid re-housing, rental assistance, emergency shelter, navigation centers, bridge housing, and permanent supportive housing.

BART IMPACT:

While AB 3171 does not include direct funding opportunities for BART, the bill would provide matching funds to BART's local partners for new or existing programs critical to preventing homelessness. BART currently partners with various city, county, and non-profit agencies to address the homelessness crisis in the Bay Area. These efforts take a comprehensive and coordinated approach to maintaining a safe and clean environment for riders, while connecting homeless individuals who seek shelter in the system to services and resources. BART employs a full-time Crises Intervention Coordinator and through a partnership with San Francisco MUNI and the City of San Francisco's Department of Homelessness funds two full-time Homelessness Outreach Team (HOT) employees. BART Police participate in San Francisco's Law Enforcement Assisted Diversion Program (LEAD SF) to refer repeat, low-level drug offenders to community-based health and social services. BART is also working directly with local jurisdictions to address homeless encampments along our trackways and infrastructure, which pose a

safety risk to passengers and operations.

BART's proposed FY19 budget includes additional funding for quality of life and homelessness initiatives. Although the amount of money AB 3171 requests from the General Fund is still unspecified, the bill could provide a significant amount of one-time funding towards local services and programs. As a result, BART could see an impact on the number of individuals seeking shelter in the system and other public spaces.

KNOWN SUPPORT/OPPOSITION:

Support: American Planning Association - California Chapter, BRIDGE Housing, California Apartment Association, California Asian Pacific Islander Chamber of Commerce, California Association of Local Conservation Corps, City of Long Beach, City of Oakland, City of Sacramento, City of Santa Monica, City of West Sacramento, LeadingAge California, National Association of Social Workers - California Chapter, Steinberg Institute, United Way of California, Mayors of Los Angeles, San Diego, San Jose, San Francisco, Fresno, Long Beach, Sacramento, Oakland, Bakersfield, Anaheim and Santa Ana

Opposition: None on file as of 4/23/18 (Assembly Housing and Community Development Committee).

OTHER COMMENTS:

Assembly Member Ting's press release on AB 3171 from February states \$1.5 billion will be requested from the General Fund. This amount is not yet reflected in the bill language.

STATUS:

Introduced on 2/16/18; referred to Assembly Housing and Community Development and scheduled for hearing on 4/25/18.

RECOMMENDATION:

Support

Watch

Oppose

Analysis completed on 4/16/18

ASSEMBLY BILL

No. 3171

Introduced by Assembly Member Ting

(Principal coauthor: Senator Lara)

(Coauthors: Assembly Members Bloom, Bonta, Carrillo, Chiu, Chu, Gloria, Gonzalez Fletcher, Jones-Sawyer, Kalra, Levine, Low, Maienschein, McCarty, Nazarian, Quirk-Silva, Santiago, Mark Stone, Thurmond, and Weber)

(Coauthors: Senators Pan, Skinner, and Wiener)

February 16, 2018

An act to add Chapter 7 (commencing with Section 8260) to Division 8 of the Welfare and Institutions Code, relating to homelessness, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 3171, as introduced, Ting. Homeless Persons Services Block Grant.

Under existing law, several agencies have prescribed responsibilities relating to homeless persons. Existing law requires the Department of Housing and Community Development to administer California's Emergency Solutions Grants Program and make grants under the program to qualifying recipients to implement activities that address the needs of homeless individuals and families and assist them to regain stability in permanent housing as quickly as possible.

This bill would establish the Local Homelessness Solutions Program and create the Local Homelessness Solutions Account for the purpose of providing funding to cities, as defined, to create innovative and immediate solutions to the problems caused by homelessness, as specified. The bill would appropriate an unspecified sum from the

General Fund to the Local Homelessness Solutions Account and direct the Controller to apportion those funds to cities in proportion to each city's most recent homeless population, as specified. The bill would require cities to match any funds received from the program. The bill would authorize these funds to be expended for, among other things, shelter diversion, rapid rehousing, and permanent supportive housing.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
2 (a) California is in the midst of a homeless crisis. The latest
3 federal Department of Housing and Urban Development report
4 shows that California experienced year-to-year increases in the
5 homeless population by 13 percent in 2016 and nearly 14 percent
6 in 2017. The overall statewide count has ballooned to 134,278
7 persons as of 2017.
8 (b) Homelessness affects nearly all sizes and types of
9 communities.
10 (c) In response to this crisis, cities and counties continue to
11 commit local funds to homeless relief efforts and have increased
12 annual spending on these efforts by hundreds of millions of dollars
13 statewide. These cities and counties have created unique local
14 programs to best address local needs. Additionally, voters in many
15 communities across California have imposed increased revenue
16 measures devoted to homeless services and similar measures are
17 proposed for the ballot in 2018.
18 (d) These programs bridge the gap between the availability of
19 services and the lack of utilization. They focus on preventing
20 chronic homelessness and positioning those in need on the path to
21 a permanent housing solution.
22 (e) However, local governments, local voters, and local
23 non-profits cannot tackle this statewide problem alone. This is a
24 crisis that requires an all-of-the-above approach and the State of
25 California should take steps to become a meaningful partner in
26 combating this human tragedy.
27 SEC. 2. Chapter 7 (commencing with Section 8260) is added
28 to Division 8 of the Welfare and Institutions Code, to read:

1 CHAPTER 7. LOCAL HOMELESSNESS SOLUTIONS PROGRAM

2
3 8260. (a) The Local Homelessness Solutions Program is hereby
4 established for the purpose of providing matching funds to cities
5 to create innovative and immediate solutions to the problems
6 caused by homelessness, including, but not limited to, state and
7 local social services and healthcare systems.

8 (b) The sum of ____ dollars is hereby appropriated from the
9 General Fund to the Local Homelessness Solutions Account, which
10 is hereby created. The Controller shall apportion funds in the
11 account to cities in proportion to each city's most recent total
12 homeless population, as reported by the United States Department
13 of Housing and Urban Development's Continuum of Care Program.

14 (c) For purposes of this chapter, "city" also means a "city and
15 county."

16 (d) Funds received pursuant to this chapter shall be matched by
17 the recipient city.

18 (e) Allowable expenditures of funds allocated pursuant to this
19 chapter include, but are not limited to, shelter diversion, rapid
20 re-housing, rental assistance, emergency shelter, navigation centers,
21 bridge housing, and permanent supportive housing.



SB 912 Analysis and Recommendation

TITLE: SB 912 – Housing: homelessness programs and affordable housing

AUTHOR: Beall (D – San Jose) and Skinner (D – Berkeley)

SPONSORS: Non-Profit Housing Association of Northern California

BACKGROUND:

The state housing crisis is the leading driver of the rise in homelessness, and despite recent legislative efforts, California has not been able to fill the funding gap from the loss of redevelopment funds and statewide housing bonds passed in the 2000s. The Department of Housing and Community Development estimates California is experiencing a shortage of 3.5 million housing units. According to the Department of Finance, over the last 10 years, California has experienced a 34% reduction in federal housing funds. The low-income housing tax credit program is the most successful state and national housing program and critical to building affordable housing in California, but the recently enacted 2017 federal tax law reduces the value of the low-income housing tax credit. As a result, California will lose approximately \$540 million, or about 4,000 to 5,000 housing units, per year.

In 2016, the Legislature passed No Place Like Home, creating \$2 billion in new funding for the construction of permanent supportive housing. On the November 2018 ballot, voters will consider approving a \$4 billion housing bond that includes \$1.5 billion for affordable housing developments. SB 2 (Atkins, 2017), the Building Homes and Jobs Act, will also generate ongoing funding for affordable housing, including significant funding in the first year to address homelessness.

PURPOSE:

SB 912 seeks to off-set federal actions and address existing state funding gaps by allocating \$2 billion in one-time General Fund revenues for cities, counties, and non-profits to immediately house and help the homeless, as well as low-income families most at risk of homelessness. The bill would direct \$1 billion to the Housing and Rehabilitation Loan Fund for the Multifamily Housing Program to assist in the new construction, rehabilitation, and preservation of permanent and transitional rental housing for persons with incomes of up to 60% of the area median income. Additionally, this bill would invest \$1 billion as follows: \$700 million in grants to cities and counties for rental assistance, operating subsidies, shelters, navigation centers, rapid rehousing, and the construction of affordable housing for homeless persons; \$200 million for the Housing for a Healthy California Program; \$50 million for the California Emergency Solutions Grant Program for the purpose of addressing the specific needs of homeless youth; and \$50 million to a new Domestic and Sexual Violence Prevention Services Fund for housing survivors of domestic violence.

BART IMPACT:

While SB 912 does not provide direct funding opportunities for BART, the bill does include funding opportunities to BART's local partners to spur the construction of affordable housing options and bolster programs for specific homeless or at-risk populations. BART currently partners with various city, county, and non-profit agencies to take a comprehensive and coordinated approach to maintaining a safe and clean environment for riders, while connecting homeless individuals who seek shelter in the system to services and resources. BART employs a full-time Crises Intervention Coordinator and through a partnership with San Francisco MUNI and the City of San Francisco's Department of Homelessness funds two full-time Homelessness Outreach Team (HOT) employees. BART Police participate in San Francisco's Law

Enforcement Assisted Diversion Program (LEAD SF) to refer repeat, low-level drug offenders to community-based health and social services. BART is also working directly with local jurisdictions to address homeless encampments throughout the system, which pose a safety risk to operations and vital infrastructure. If passed, SB 912 would provide a significant amount of one-time funding to local housing efforts and homelessness programs, which could have an impact on the number of individuals seeking shelter in the system and other public spaces.

More broadly, SB 912 supports goals within BART's Affordable Housing Policy and Transit-Oriented Development Policy. BART aims for a districtwide target of 30% of all units developed being affordable, prioritizing very low (<50% AMI), low (51- 80% AMI) and/or transit-dependent populations. The financial resources outlined within SB 912, could help facilitate the development of affordable housing on BART property which relies on local joint partnerships.

KNOWN SUPPORT/OPPOSITION:

Support: Affirmed Housing, American Planning Association - California Chapter, Aspiranet Association of California Cities – Orange County, Bridge Housing, California Apartment Association, California Housing Consortium, California State Association of Counties, California Welfare Directors Association, City of Berkeley, City of El Cerrito, City of Glendale, City of San Jose, City of San Marcos, Community Home Builders and Associates, Corporation for Supportive Housing, County Behavioral Health Directors Association of California, Housing Authority of the County of Santa Barbara, Life Skills Training and Education Programs, Inc. (LifeSTEPS), Non-Profit Housing Association of Northern California, Pacific Companies, Paulett Taggart Associates, Inc., Richmond Neighborhood Housing Services Inc., Rural County Representatives of California, Sacramento County Board of Supervisors, Santa Clara County, Tenderloin, Neighborhood Development Corporation, Urban Counties Caucus of California, Western Community Housing, Inc.

Opposition: None on file as of 4/20/18 (Senate Transportation and Housing Committee).

OTHER COMMENTS:

STATUS:

Introduced on 1/18/18; amended 2/20/18; re-referred to Senate Transportation and Housing; amended 4/12/18 and set for hearing in the Senate Transportation and Housing Committee on 4/24/18; passed the Senate Transportation and Housing Committee 10-0 on 4/24/18; re-referred to the Senate Appropriations Committee.

RECOMMENDATION:

Support

Watch

Oppose

Analysis completed on 4/13/18

AMENDED IN SENATE APRIL 12, 2018
AMENDED IN SENATE MARCH 8, 2018
AMENDED IN SENATE FEBRUARY 20, 2018

SENATE BILL

No. 912

**Introduced by Senators Beall and Skinner
(Coauthors: Senators Hill, Lara, Portantino, and Wiener)**

January 18, 2018

An act to add Chapter 2.7 (commencing with Section 50480) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 912, as amended, Beall. Housing: homelessness programs and affordable housing.

Existing law establishes the Department of Housing and Community Development in the Business, Consumer Services, and Housing Agency and makes the department responsible for administering various housing programs throughout the state, including, among others, the Multifamily Housing Program.

This bill, upon appropriation in the annual Budget Act, would require that the sum of \$2,000,000,000 be allocated from the General Fund to the Department of Housing and Community Development. The bill would require that \$1,000,000,000 of that money be transferred to the Housing Rehabilitation Loan Fund and expended to assist in the new construction, rehabilitation, and preservation of permanent and transitional rental housing for persons with incomes of up to 60% of the area median income. The bill would require that the remaining \$1,000,000,000 be used to address homelessness, particularly homelessness among members of vulnerable populations, and provide

for the allocation of that money for grants to cities and counties for specified related purposes, grants under the Housing for a Healthy California Program, ~~funding for a specified homeless youth program,~~ *grants under the California Emergency Solutions Grants Program for the purpose of addressing the specific needs of homeless youth, as provided*, and assistance for housing and services for survivors of domestic violence, as provided. The bill would also include legislative findings as to the necessity to provide additional funding for housing.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
2 (a) Despite recent legislative efforts, California has not been
3 able to fill the funding gap from the loss of redevelopment funds
4 and statewide housing bonds passed in the 2000s. The state housing
5 crisis is the leading driver of the rise in homelessness.
6 (b) The recent 2017 federal tax law, Public Law 115-97, reduces
7 the value of the low-income housing tax credit (LIHTC). The
8 LIHTC program is the most successful state and national housing
9 program and critical for all affordable housing built in California.
10 As a result, California will lose \$540 million, or about 4,000 to
11 5,000 units, per year.
12 (c) According to the Department of Finance, over the last 10
13 years, California has experienced a 34 percent reduction in federal
14 housing funds.
15 (d) According to the Department of Housing and Community
16 Development, from 2016 to 2017, California experienced the
17 largest increase in the number of people experiencing
18 homelessness, about 14 percent. Its homeless population accounts
19 for 25 percent of the national homeless population.
20 (e) Housing the homeless saves taxpayer money. According to
21 the most comprehensive homelessness cost study in the United
22 States, the average prehousing public cost was \$62,000, and the
23 average posthousing cost was \$20,000, equal to an annual reduction
24 of nearly \$43,000, or 68 percent.
25 (f) It is the intent of the Legislature to offset federal funding
26 cuts and the reduced value of the LIHTC by investing in existing
27 and successful state housing programs.

1 (g) It is further the intent of the Legislature to emphasize the
2 financing of housing for vulnerable populations, including:
3 chronically homeless persons who frequently use hospitals or are
4 incarcerated, homeless transitional age youth, homeless college
5 students, families with repeated instances of homelessness,
6 domestic violence survivors, veterans, and persons with a physical
7 or mental disability.

8 SEC. 2. Chapter 2.7 (commencing with Section 50480) is added
9 to Part 2 of Division 31 of the Health and Safety Code, to read:

10
11 CHAPTER 2.7. FUNDING FOR HOMELESSNESS PROGRAMS AND
12 AFFORDABLE HOUSING
13

14 50480. Upon appropriation in the annual Budget Act for
15 purposes of this section, the sum of two billion dollars
16 (\$2,000,000,000) shall be allocated from the General Fund to the
17 Department of Housing and Community Development for the
18 following purposes:

19 (a) One billion dollars (\$1,000,000,000) shall be transferred to
20 the Housing Rehabilitation Loan Fund established pursuant to
21 Section 50661. The moneys in the fund transferred pursuant to
22 this subdivision shall be used for the Multifamily Housing Program
23 authorized by Chapter 6.7 (commencing with Section 50675), to
24 be expended to assist in the new construction, rehabilitation, and
25 preservation of permanent and transitional rental housing for
26 persons with incomes of up to 60 percent of the area median
27 income.

28 (b) One billion dollars (\$1,000,000,000) shall be used to address
29 homelessness, particularly homelessness among members of
30 vulnerable populations, to be allocated as follows:

31 (1) Seven hundred million dollars (\$700,000,000) shall be used
32 to provide grants to cities and counties that agree to provide
33 matching funds to alleviate chronic homelessness within their
34 jurisdictions. Cities and counties shall apply to the department for
35 grants pursuant to this paragraph in the form and manner prescribed
36 by the department. Authorized uses of the moneys allocated
37 pursuant to this paragraph include, but are not limited to, the
38 following:

39 (A) Rental assistance and flexible housing subsidy pool
40 investments.

1 (B) Operating subsidies, including gap financing to make
2 supportive housing projects that offer lower rents financially viable.

3 (C) Capital grants.

4 (D) Interim housing.

5 (E) Emergency shelters, navigation centers, and rapid rehousing
6 projects.

7 (F) (i) Construction of affordable housing that includes housing
8 for homeless persons.

9 (ii) The department shall set aside a portion of the moneys
10 allocated pursuant to this paragraph for purposes of this
11 subparagraph and deposit those moneys in the Housing
12 Rehabilitation Loan Fund established pursuant to Section 50661.
13 The moneys in the fund shall be used for the Multifamily Housing
14 Program authorized by Chapter 6.7 (commencing with Section
15 50675), to be expended to assist in the new construction,
16 rehabilitation, and preservation of permanent and transitional rental
17 housing for persons with incomes of up to 60 percent of the area
18 median income, that makes at least 20 percent of the units available
19 to persons who are chronically homeless.

20 (2) Two hundred million dollars (\$200,000,000) shall be used
21 to provide grants under the Housing for a Healthy California
22 Program established pursuant to Part 14.2 (commencing with
23 Section 53590).

24 ~~(3) Fifty million dollars (\$50,000,000) shall be transferred to~~
25 ~~the Housing Rehabilitation Loan Fund to be expended under the~~
26 ~~Multifamily Housing Program authorized by Chapter 6.7~~
27 ~~(commencing with Section 50675) for housing for homeless youth~~
28 ~~in accordance with the department’s Homeless Youth Multifamily~~
29 ~~Housing Program, previously funded pursuant to clause (ii) of~~
30 ~~subparagraph (A) of paragraph (1) of subdivision (a) of Section~~
31 ~~53545.~~

32 (3) (A) *Fifty million dollars (\$50,000,000) shall be used to*
33 *provide grants under the California Emergency Solutions Grants*
34 *Program (Chapter 19 (commencing with Section 50899.1)) for the*
35 *purpose of addressing the specific needs of homeless youth, in*
36 *accordance with the following:*

37 (i) *Activities funded with a grant pursuant to this paragraph*
38 *shall be those activities identified in Section 50899.4 and, in*
39 *addition, family finding services to locate and engage relatives of*

1 *homeless youth with the goal of connecting homeless youth who*
2 *wish to be reconnected with family.*

3 *(ii) Activities funded with a grant pursuant to this paragraph*
4 *shall incorporate the core components of Housing First, as*
5 *provided in subdivision (b) of Section 8255 of the Welfare and*
6 *Institutions Code.*

7 *(iii) Providers offering services funded with a grant pursuant*
8 *to this paragraph shall demonstrate the ability to provide*
9 *comprehensive, culturally competent, and trauma-informed*
10 *services to meet the needs of homeless youth, including the specific*
11 *needs of lesbian, gay, bisexual, and transgender youth,*
12 *commercially sexually exploited children and young people, youth*
13 *of color, and survivors of domestic violence.*

14 *(B) For purposes of this paragraph, “homeless youth” has the*
15 *same meaning as defined in paragraph (2) of subdivision (e) of*
16 *Section 12957 of the Government Code.*

17 (4) Fifty million dollars (\$50,000,000) shall be transferred to
18 the Domestic and Sexual Violence Prevention Complementary
19 Services Fund, upon establishment of that fund within the Office
20 of Emergency Services, and used to provide housing and services
21 for survivors of domestic violence.



SB 918 Analysis and Recommendation

TITLE: SB 918 – Homeless Youth Act of 2018

AUTHOR: Wiener (D – San Francisco)

SPONSORS: California Coalition for Youth, Corporation for Supportive Housing, Equality California, Housing California, John Burton Advocates for Youth, and Tipping Point

BACKGROUND:

California has the second highest rate of unsheltered youth in the country. According to the 2017 Annual Homeless Assessment Report to Congress, there were approximately 15,458 unaccompanied homeless youth (ages 12 to 24) in California living in cars, parks, abandoned buildings, bus or train stations, on the street, or in other places not intended for shelter.

In 2015, SB 1380 (Mitchell) created the Homeless Coordinating and Financing Council (Council), made up of all state departments and agencies that provide housing or housing-based services to people experiencing homelessness or at risk of homelessness. Historically, the state has not invested in the service programs required to adequately address youth homelessness such as educational degrees, job exploration, family finding, and life-skills training. According to a 2011 program study by the California Homeless Youth Project, only two-thirds of California's counties have direct services of any kind for homeless youth.

PURPOSE:

SB 918 would address youth homelessness by creating the Office of Homeless Youth, within the Department of Housing and Community Development. The bill would set forth the duties of the office, including, but not limited to, setting specific, measurable goals aimed at preventing and ending homelessness among youth, defined as ages 12 to 24, including unaccompanied youth who are pregnant or parenting. The bill would require the office to identify funding, policy, and practice gaps across state and county systems that serve, or hold the potential to serve, young people experiencing homelessness, develop specific recommendations and timelines for addressing these gaps, and report to the Legislature, as specified. SB 918 would also establish \$60 million in grants to create or expand programs that alleviate youth homelessness and establish criteria for agencies to be eligible for grant funding.

BART IMPACT:

While SB 918 does not directly provide BART with resources to assist homeless youth, it does seek to address the challenges BART's local partners may face in developing a comprehensive approach to meeting the specific needs of youth. At BART, youth have been involved in more recent crime incidents, and according to BART's 2017 AB 716 Report to the Legislature, 18-25-year-olds are the largest demographic receiving prohibition orders at 31%. This group overlaps with the 12 to 24 age group targeted within SB 918. It is reasonable to assume that some of the youth encountered by BART police and staff may lack stable housing and access to age-appropriate social services. This bill would seek to address such problems by fostering improved statewide coordination of programs for homeless youth and funding to provide services across the state.

KNOWN SUPPORT/OPPOSITION:

Support: Children's Law Center of California, City of Long Beach, City of Santa Monica, City of West Hollywood, College of the Desert, EOPS, David & Margaret Youth and Family Services, Disability Rights

California, EA Family Services, Encompass Community Services, Episcopal Community Services, First Place for Youth, Foster Care Counts, Fred Finch Youth Center, Fresno State Renaissance Scholars Program, Hamilton Families, Haven of Hope, Hillside, Holly Place, Home Start, Inc., Imperial Valley LGBT Resource Center, Imperial Valley Regional Occupational Program Project ACE, Jovenes, Inc., Kamali'i Foster Family Agency, Larkin Street Youth Services, Lincoln, Los Angeles City College, Los Angeles County Office of Education, Los Angeles Homeless Services Authority, LSS of Northern California, Mercy Housing, National Center for Youth Law, National Safe Place Network, New Alternatives, Inc., Oxnard College, Pacific Clinics, PATH Scholars at California State University, Chico, Persistence Plus, Public Counsel, Redwood Community Action Agency Youth Services Bureau, Riverside City College, Sacramento City College, EOPS, Safe Place for Youth, San Diego LGBT Community Center, San Diego Youth Services, San Francisco Lesbian Gay Bisexual Transgender Community Center, Sierra College, Skyline College Guardian Scholars Program, Social Advocates for Youth, South Bay Community Services, South County Cal-SOAP, St Anne's Transitional Housing Program, StarVista, Sunny Hills Services, Tahoe Youth and Family Services, Taking it to the Streets, The America Academy of Pediatrics, The California Alliance of Child and Family Services, The California State University, Bakersfield, The Children's Partnership, The City and County of San Francisco, The Community College Foundation, The Law Foundation of Silicone Valley, The National Foster Youth Institute, The Non-Profit Housing Association of Northern California, TLC Child and Family Services, Trinity County Office of Education, United Friends of the Children, Unity Care Group, University of San Diego, Uplift Family Services, Youth Policy Institute

Opposition: None on file as of 4/20/18 (Senate Transportation and Housing Committee).

OTHER COMMENTS:

STATUS:

Introduced on 1/22/18; referred to Senate Human Services; amended 3/6/18 and re-referred to Senate Human Services, passed Senate Human Services 4-0 with author's amendments on 4/10/18; re-referred to Senate Transportation and Housing and hearing scheduled for 4/24/18; passed the Senate Transportation and Housing Committee 10-0 on 4/24/18; re-referred to the Senate Appropriations Committee.

RECOMMENDATION:

Support

Watch

Oppose

Analysis completed on 4/13/18

AMENDED IN SENATE APRIL 12, 2018
AMENDED IN SENATE MARCH 6, 2018

SENATE BILL

No. 918

Introduced by Senator Wiener

(Principal coauthor: Assembly Member Rubio)

**(Coauthors: Senators *Allen*, *Beall*, *Glazer*, *Hill*, *Leyva*, and
Portantino)**

(Coauthors: Assembly Members Chiu, Cooley, Lackey, Maienschein,
Mayes, Reyes, Steinorth, Mark Stone, and Thurmond)

January 22, 2018

An act to amend Section 8257 of, and to add Chapter 6.1 (commencing with Section 13725) to Part 3 of Division 9 of, the Welfare and Institutions Code, relating to homeless youth, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 918, as amended, Wiener. Homeless Youth Act of 2018.

Existing law establishes various programs, including, among others, the Emergency Housing and Assistance Program, homeless youth emergency service pilot projects, and Housing First and the Homeless Coordinating and Financing Council, to provide assistance to homeless persons.

This bill would establish the Office of Homeless Youth in the Department of Housing and Community Development. The bill would set forth the duties of the office, including, but not limited to, setting specific, measurable goals aimed at preventing and ending homelessness among youth in the state. The bill would require the office to identify funding, policy, and practice gaps across state systems that serve, or hold the potential to serve, young people experiencing homelessness,

homelessness in California, develop specific recommendations and timelines for addressing these gaps, and report to the Legislature, as specified. The bill would require the office to oversee and administer specified grant programs for young people experiencing homelessness and their families, which would be *primarily* funded by funds provided to the State Department of Health Care Services from the Youth Education, Prevention, Early Intervention, and Treatment Account. *The bill would prioritize the various funding sources for grant programs established by the office to support young people experiencing homelessness, as specified.* The bill would make an appropriation to the office from the General Fund in the amount of the difference between *other specified* funding received from the State Department of Social Services for purposes of the grant program and \$60,000,000. The bill would specify that the grant funds would be used to supplement existing levels of service and not to supplant any existing funding. The bill would allow no more than 40% of the total funds granted in a given year to be used to establish, expand, or operate shelter programs.

This bill would impose criteria and requirements for agencies eligible for grant funding to operate a homeless youth program or shelter program, and would require preference *for funding* to be given to agencies with certain characteristics, including those that propose to provide services in geographic areas where no similar services are provided and there is a demonstrated need for those services. The bill would require a grant proposal to identify how it intends to ensure that participating youth receive *a continuum of services*, including, but not limited to, ~~drug abuse education and prevention services, mental and physical health care,~~ *education, treatment, and prevention services, screening, assessment, and treatment or referral for behavioral and physical health care services,* and aftercare and ~~follow-up~~ *followup* services. The bill would require a grantee to submit *data and* annual progress reports to the office and agree to meet quality improvement goals, accept technical assistance, and submit to annual site monitoring visits by the office, as specified.

Existing law establishes the Homeless Coordinating and Financing Council to oversee the implementation of the Housing First guidelines and regulations and, among other things, identify resources, benefits, and services that can be accessed to prevent and end homelessness in California. Existing law requires the Governor to appoint up to 15 members to the council, as specified.

This bill would require the council membership to also include a representative of the Office of Homeless Youth.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
2 Homeless Youth Act of 2018.
- 3 SEC. 2. Section 8257 of the Welfare and Institutions Code is
4 amended to read:
- 5 8257. (a) Within 180 days of the effective date of the measure
6 adding this chapter, the Governor shall create a Homeless
7 Coordinating and Financing Council.
- 8 (b) The council shall have the following goals:
- 9 (1) To oversee implementation of this chapter.
- 10 (2) To identify mainstream resources, benefits, and services that
11 can be accessed to prevent and end homelessness in California.
- 12 (3) To create partnerships among state agencies and departments,
13 local government agencies, participants in the United States
14 Department of Housing and Urban Development's Continuum of
15 Care Program, federal agencies, the United States Interagency
16 Council on Homelessness, nonprofit entities working to end
17 homelessness, homeless services providers, and the private sector,
18 for the purpose of arriving at specific strategies to end
19 homelessness.
- 20 (4) To promote systems integration to increase efficiency and
21 effectiveness while focusing on designing systems to address the
22 needs of people experiencing homelessness, including
23 unaccompanied youth under 25 years of age.
- 24 (5) To coordinate existing funding and applications for
25 competitive funding. Any action taken pursuant to this paragraph
26 shall not restructure or change any existing allocations or allocation
27 formulas.
- 28 (6) To make policy and procedural recommendations to
29 legislators and other governmental entities.
- 30 (7) To identify and seek funding opportunities for state entities
31 that have programs to end homelessness, including, but not limited
32 to, federal and philanthropic funding opportunities, and to facilitate
33 and coordinate those state entities' efforts to obtain that funding.

- 1 (8) To broker agreements between state agencies and
2 departments and between state agencies and departments and local
3 jurisdictions to align and coordinate resources, reduce
4 administrative burdens of accessing existing resources, and foster
5 common applications for services, operating, and capital funding.
- 6 (9) To serve as a statewide facilitator, coordinator, and policy
7 development resource on ending homelessness in California.
- 8 (10) To report to the Governor, federal Cabinet members, and
9 the Legislature on homelessness and work to reduce homelessness.
- 10 (11) To ensure accountability and results in meeting the
11 strategies and goals of the council.
- 12 (12) To identify and implement strategies to fight homelessness
13 in small communities and rural areas.
- 14 (13) To create a statewide data system or warehouse that collects
15 local data through Homeless Management Information Systems,
16 with the ultimate goal of matching data on homelessness to
17 programs impacting homeless recipients of state programs, such
18 as Medi-Cal (Chapter 7 (commencing with Section 14000) of Part
19 3 of Division 9 of the Welfare and Institutions Code) and
20 CalWORKS (Chapter 2 (commencing with Section 11200) of Part
21 3 of Division 9 of the Welfare and Institutions Code).
- 22 (c) (1) The Governor shall appoint up to 15 members of the
23 council as follows:
- 24 (A) A representative from the Department of Housing and
25 Community Development.
- 26 (B) A representative of the State Department of Social Services.
- 27 (C) A representative of the California Housing Finance Agency.
- 28 (D) A representative of the State Department of Health Care
29 Services.
- 30 (E) A representative of the Department of Veterans Affairs.
- 31 (F) A representative of the Department of Corrections and
32 Rehabilitation.
- 33 (G) A representative from the California Tax Credit Allocation
34 Committee in the Treasurer's office.
- 35 (H) A representative of the Victim Services Program within the
36 Division of Grants Management within the Office of Emergency
37 Services.
- 38 (I) A representative of the Office of Homeless-~~Youth~~. *Youth*
39 *established under Section 13727.*
- 40 (J) A formerly homeless person who lives in California.

1 (K) Two representatives of local agencies or organizations that
2 participate in the United States Department of Housing and Urban
3 Development's Continuum of Care Program.

4 (L) State advocates or other members of the public or state
5 agencies, according to the Governor's discretion.

6 (2) The Senate Committee on Rules and the Speaker of the
7 Assembly shall each appoint one representative of the council from
8 two different stakeholder organizations.

9 (3) The council may, at its discretion, invite stakeholders,
10 individuals who have experienced homelessness, members of
11 philanthropic communities, and experts to participate in meetings
12 or provide information to the council.

13 (d) The council shall hold public meetings at least once every
14 quarter.

15 (e) The members of the council shall serve at the pleasure of
16 the Governor.

17 (f) Within existing funding, the council may establish working
18 groups, task forces, or other structures from within its membership
19 or with outside members to assist it in its work. Working groups,
20 task forces, or other structures established by the council shall
21 determine their own meeting schedules.

22 (g) The members of the council shall serve without
23 compensation, except that members of the council who are, or
24 have been, homeless may receive reimbursement for travel, per
25 diem, or other expenses.

26 (h) The Department of Housing and Community Development
27 shall provide staff for the council.

28 (i) The members of the council may enter into memoranda of
29 understanding with other members of the council to achieve the
30 goals set forth in this chapter, as necessary, in order to facilitate
31 communication and cooperation between the entities the members
32 of the council represent.

33 SEC. 3. Chapter 6.1 (commencing with Section 13725) is added
34 to Part 3 of Division 9 of the Welfare and Institutions Code, to
35 read:

36
37 CHAPTER 6.1. HOMELESS YOUTH ACT OF 2018

38
39 13725. The Legislature finds and declares as follows:

1 (a) Runaway and homeless youth are young people 12 to 24
2 years of age, inclusive, who have the least access to essential
3 opportunities and supports.

4 (b) The prevalence of runaways and homelessness among youth
5 is staggering. Studies suggest that between 1.6 and 2.8 million
6 youth up to 24 years of age in the United States experience
7 homelessness every year. A disproportionate number of young
8 people experiencing homelessness are gay, lesbian, bisexual, or
9 transgender.

10 (c) California has the second highest rate of unsheltered young
11 people experiencing homelessness in the nation, and the number
12 is growing.

13 (d) Thirty-one percent of all young people experiencing
14 homelessness in the United States live in California, yet two-thirds
15 of the state's counties lack basic services for young people
16 experiencing homelessness, ~~such as shelter,~~ *including shelter,*
17 *mental and behavioral services, family maintenance and*
18 *strengthening, and substance abuse treatment programs.*

19 (e) ~~Young~~ *Research indicates that young* people experiencing
20 homelessness are more likely to have ~~experienced trauma and~~
21 ~~abuse,~~ *used or to begin using drugs and alcohol due to their*
22 *experiences of trauma and abuse prior to becoming homeless or*
23 *as a result of homelessness,* including commercial sexual
24 ~~exploitation, and to use drugs and alcohol, with consequences that~~
25 ~~are harmful, dangerous, and often tragic.~~ *exploitation.*

26 (f) With the adoption by the voters of Proposition 64, the Adult
27 Use of Marijuana Act, there is an opportunity for new funding to
28 support various programs and services for young people
29 experiencing homelessness, including those with substance use
30 disorders.

31 (g) In furthering the goals of the Youth Education, Prevention,
32 Early Intervention and Treatment Account, the Legislature has
33 created the Homeless Youth Act of 2018 to improve prevention
34 and early intervention support services, low-barrier and diverse
35 housing opportunities, and posthousing and follow-up services for
36 young people experiencing homelessness, including those with
37 substance use disorders.

38 13726. The following definitions apply for purposes of this
39 chapter:

40 (a) "Act" means the Homeless Youth Act of 2018.

1 (b) “Continuum of care” has the same meaning as defined
2 Section 578.3 of Title 24 of the Code of Federal Regulations.

3 (c) “Fund” means the Youth Education, Prevention, Early
4 Intervention and Treatment Account created in the California
5 Cannabis Tax Fund created pursuant to Part 14.5 (commencing
6 with Section 34010) of the Revenue and Taxation Code.

7 (d) “Homeless youth” ~~has the same meaning~~ *means an*
8 *unaccompanied youth between 12 and 24 years of age, inclusive,*
9 *who is experiencing homelessness, as defined in subsection (2) of*
10 *Section 725 of the federal McKinney-Vento Homeless Assistance*
11 *Act (42 U.S.C. Sec. 11434a(2)). “Homeless youth” includes*
12 *unaccompanied youth who are pregnant or parenting.*

13 (e) “Office” means the Office of Homeless Youth established
14 under Section 13727.

15 (f) “Project” means a homeless youth housing project.

16 (g) “Shelter program” means a homeless youth shelter program.

17 13727. (a) The Office of Homeless Youth is established within
18 the Department of Housing and Community Development. The
19 office shall be headed by the Director of the Office of Homeless
20 Youth, who shall report directly to the Director of Housing and
21 Community Development.

22 (b) It is the intent of the Legislature that the role and
23 responsibilities of the office shall include all of the following:

24 (1) Setting goals to prevent and end homelessness among
25 California’s youth.

26 (2) Improving the safety, health, and welfare of young people
27 experiencing homelessness in the state.

28 (3) Increasing system integration and coordinating efforts to
29 prevent homelessness among youth who are currently or formerly
30 involved in the child welfare services or the juvenile justice system.

31 (4) Leading efforts to coordinate a spectrum of funding, policy,
32 and practice efforts related to young people experiencing
33 homelessness.

34 (5) Ensuring homeless minors who have experienced
35 maltreatment and are eligible to be dependent children under
36 Section 300 have timely access to the child welfare system.

37 (c) In order to coordinate a spectrum of funding, policy, and
38 practice efforts related to young people experiencing homelessness,
39 the office shall do all of the following:

1 (1) Identify funding, policy, and practice gaps across—state
2 systems that serve, or hold the potential to serve, young people
3 experiencing ~~homelessness~~, *homelessness in California*, and
4 develop specific recommendations and timelines for addressing
5 these gaps. These recommendations and timelines shall be reported
6 to the Legislature by December 31, 2019.

7 (A) Services and programs to be considered in the review and
8 report described in this paragraph shall include, but are not limited
9 to, family support and reunification services, social and emotional
10 wellness and mental health services, street and community outreach
11 programs and drop-in centers, low barrier and diverse housing
12 opportunities, and posthousing and follow-up services.

13 (B) (i) A report submitted under this paragraph shall be
14 submitted in compliance with Section 9795 of the Government
15 Code.

16 (ii) Pursuant to Section 10231.5 of the Government Code, the
17 requirement to submit a report under this paragraph shall be
18 inoperative on January 1, 2023.

19 (2) Coordinate with young people experiencing homelessness,
20 the State Department of Social Services, other appropriate state
21 *and county* agencies and departments, the Homeless Coordinating
22 and Financing Council established pursuant to Section 8257, the
23 state advisory group established pursuant to Section 1785, and
24 other stakeholders to inform policy, practices, and programs.

25 (3) Provide technical assistance and program development
26 support to increase capacity among new and existing service
27 providers to best meet statewide needs, particularly in areas where
28 services for young people experiencing homelessness have not
29 been established, and provide support to service providers in
30 making evidence-informed and data-driven decisions.

31 (d) The office shall set and measure progress towards goals to
32 prevent and end homelessness among youth in California by doing
33 all of the following:

34 (1) Setting specific, measurable goals aimed at preventing and
35 ending homelessness among youth in the state. These goals shall
36 include, but not be limited to, the following:

37 (A) Measurably decreasing the number of young people
38 experiencing homelessness in the state.

39 (B) Measurably increasing permanency rates among young
40 people experiencing homelessness by decreasing the length and

1 occurrences of young people experiencing homelessness caused
2 by a youth's separation from family or a legal guardian.

3 (C) Decreasing the duration and frequency of experiences of
4 homelessness among California's youth.

5 (2) Defining outcome measures and gathering data related to
6 the goals.

7 (A) The office shall develop and collect data on county-level
8 and statewide measures, including, but not limited to, the number
9 of young people experiencing homelessness *in California* and their
10 dependency status, delinquency status, family reunification status,
11 housing status, program participation, and runaway status.

12 ~~(B) The office shall initiate data-sharing agreements with the~~
13 ~~appropriate parties as needed to carry out data collection pursuant~~
14 ~~to this subdivision and in accordance with all applicable state and~~
15 ~~federal privacy and confidentiality laws and regulations.~~

16 *(B) Data collection and sharing among state and county*
17 *agencies and service providers shall be a condition upon the*
18 *receipt of any state funding for programs related to youth*
19 *homelessness and its prevention. All grantees shall be required to*
20 *share with the department any relevant data from their Homeless*
21 *Management Information Systems. Data collection and sharing*
22 *pursuant to this chapter shall be conducted and maintained in*
23 *accordance with all applicable state and federal privacy and*
24 *confidentiality laws and regulations.*

25 (C) The office shall seek data from any and all relevant sources,
26 including the Homeless Management Information System (HMIS),
27 if available, in order to meet the requirements of this section.

28 (3) Submitting an annual report to the Legislature on these goals,
29 measures, and data each year by December 31. A report submitted
30 pursuant to this paragraph shall be submitted in compliance with
31 Section 9795 of the Government Code.

32 ~~(4) Collecting and reporting data regarding the grant programs~~
33 ~~developed pursuant to this chapter by doing all of the following:~~

34 ~~(A)~~

35 (4) (A) The office shall collect data from grantees and utilize
36 HMIS data to the extent possible to ensure that appropriate and
37 high-quality services are being delivered to young people
38 experiencing homelessness. Data collected pursuant to this
39 paragraph shall include, but not be limited to, all of the following:

40 (i) The number of young people served each year by the grantee.

- 1 (ii) The dependency status, delinquency status, housing status,
2 family reunification status, and runaway status of the young people
3 served each year by the ~~grantee~~ *grantee at the time of referral*.
- 4 (iii) The type and number of services utilized by the young
5 people served by the grantee each year, as outlined in subdivision
6 (h) of Section 13728.
- 7 (iv) The types of housing assistance accessed by the young
8 people served by the grantee each year, as outlined in subdivision
9 (i) of Section 13728.
- 10 (v) The distribution of the length of time each young person
11 receives services from the grantee.
- 12 (vi) Any available outcome data for the youth served by the
13 grantee, including, but not limited to, housing stabilization, duration
14 and number of experiences of homelessness prior to, while, and
15 after receiving family reunification services, educational
16 achievement, skills acquisition, and employment.
- 17 (B) The office shall provide a report to the Legislature on these
18 data by December 31 of each year, commencing in 2019. A report
19 submitted under this subparagraph shall be submitted in compliance
20 with Section 9795 of the Government Code.
- 21 (e) The office shall develop and administer grant programs to
22 support young people experiencing homelessness and aimed at
23 preventing and ending homelessness among California's youth.
- 24 (1) The office shall oversee and administer the grant programs
25 developed pursuant to this chapter, and shall do all of the following:
- 26 (A) Solicit annual progress reports from each grantee and
27 annually review each program for effectiveness in meeting stated
28 project outcomes and in engaging in continuous quality
29 improvement activities.
- 30 (B) Conduct monitoring visits to each grantee at least once per
31 year in order to provide technical assistance in areas of identified
32 need for improvement.
- 33 (C) Collect and report on data pursuant to paragraph (4) of
34 subdivision (d).
- 35 (2) The office shall also develop grant programs to support
36 families and family reunification services, social and emotional
37 wellness and mental health services, street and community outreach
38 programs and drop-in centers, and posthousing and follow-up
39 services.

1 (A) The office shall oversee and administer these grant programs
2 using the same requirements established in paragraph (1).

3 (B) The office shall collect and report on data in the same
4 manner outlined in paragraph (4) of subdivision (d).

5 (f) The office shall collaborate with the Homeless Coordinating
6 and Financing Council to adopt guidelines and regulations pursuant
7 to Section 8256.

8 13728. (a) ~~The homeless youth housing project grant program~~
9 *grant programs established under subdivision (e) of Section 13727*
10 shall be administered with funding as described in this section.
11 Grant funds provided under this chapter shall be used to supplement
12 existing levels of service and shall not be used to supplant existing
13 local, state, or federal funding. Grants provided under this chapter
14 shall be awarded in a three-year grant cycle, and funded as follows:

15 ~~(1) Funds provided to the office by the State Department of~~
16 ~~Health Care Services from the amount allocated to that department~~
17 ~~allocated~~ *Primary funding shall be from any funds received by the*
18 *office from the Youth Education, Prevention, Early Intervention*
19 *and Treatment—Account; Account established pursuant to*
20 *subdivision (f) of Section 34019 of the Revenue and Taxation*
21 ~~Code.~~ *Code, for programs that are determined by the appropriate*
22 *agency to meet the requirements of that subdivision. Funds received*
23 *pursuant to this paragraph may not be expended for administrative*
24 *duties of the office.*

25 (2) *Secondary funding shall be from funds provided to the office*
26 *from other funding appropriated by the Legislature for purposes*
27 *of this chapter.*

28 (3) *Tertiary funding may be provided by gifts and donations*
29 *made to the office for purposes of this chapter.*

30 ~~(2)~~

31 (4) ~~If the annual amount provided pursuant to paragraph (1)~~
32 ~~paragraphs (1) to (3), inclusive, is less than sixty million dollars~~
33 ~~(\$60,000,000), funds in the amount of the difference between the~~
34 ~~amount provided and sixty million dollars (\$60,000,000), which~~
35 ~~is hereby appropriated from the General Fund to the office for~~
36 ~~purposes of the grant program.~~

37 (b) An entity eligible to apply for funds under this chapter and
38 to operate a homeless youth program or shelter program shall be
39 either of the following:

1 (1) A private, nonprofit agency with a demonstrated record of
2 success and experience in the delivery of services to young people
3 experiencing homelessness or at-risk youth. *The agency shall*
4 *include in its application a letter from the local continuum of care*
5 *entity or county that identifies whether the applicant participates*
6 *in the local planning process for addressing homelessness, if the*
7 *agency is proposing to serve a geographic area covered by a*
8 *continuum of care.*

9 (2) A continuum of care administrative entity with a
10 demonstrated record of success. The entity may use no more than
11 5 percent of granted funds for administrative purposes.

12 (c) Preference *for funding* shall be given to agencies that
13 demonstrate each of the following:

14 (1) Involvement of a network of youth-serving agencies in the
15 delivery of services to young people experiencing homelessness.

16 (2) Participation in a local continuum of care.

17 (3) Utilization of the HMIS.

18 (4) Participation in development of a local, youth-centered
19 coordinated entry system, including diversion.

20 (5) An agreement to work together with other entities to develop
21 a local plan to reduce homelessness among homeless youth.

22 (d) Preference *for funding* may be given to agencies that propose
23 to provide services in geographic areas where similar services are
24 not provided and there is a demonstrated need for those services.

25 (e) An applicant that intends to serve minors shall be ~~subject to~~
26 ~~the following requirements:~~ *a mandated reporter under the Child*
27 *Abuse and Neglect Reporting Act (Article 2.5 (commencing with*
28 *Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code),*
29 *including an annual training requirement.*

30 ~~(1) All minors shall be assessed for maltreatment as a part of~~
31 ~~the assessment described in subdivision (c) of Section 1502.35 of~~
32 ~~the Health and Safety Code within 72 hours of admission to the~~
33 ~~shelter, and if indicated, reported to the county child welfare agency~~
34 ~~to determine if they fall under the jurisdiction of Section 300.~~

35 ~~(2) At least once per year, applicant personnel that interact with~~
36 ~~minors and youth shall be trained on how to identify, screen, and~~
37 ~~assess child abuse and neglect.~~

38 ~~(3) At least once per year, applicant personnel that interact with~~
39 ~~minors and youth shall be trained on how to make a report to child~~
40 ~~welfare services.~~

1 (f) Receipt of housing or supportive services by a program
2 funded under this chapter does not constitute the provision of
3 support as specified in subdivision (g) of Section 300 and does not
4 prevent a minor from being adjudged a dependent child of the
5 court.

6 (g) Each applicant for funding under this chapter shall
7 demonstrate that services will be provided within the Positive
8 Youth Development framework and demonstrate that policies and
9 procedures address cultural competence, including language
10 appropriateness, cultural sensitivity, and the complex identities
11 related to sex, sexual orientation, gender, gender identity, and
12 gender expression, so that all participants are assured that programs
13 are safe, inclusive, and nonstigmatizing by design and in operation.

14 (h) (1) ~~A grant proposal shall identify how it intends to ensure~~
15 ~~that participating youth receive services. It is the intent of the~~
16 *Legislature to prevent or reduce the incidence of substance use*
17 *disorders among homeless youth by providing services in the most*
18 *efficient and effective way, including housing if appropriate, and*
19 *to reduce the exposure to trauma as a result of homelessness that*
20 *has been shown to be a precursor to substance use disorders. A*
21 *grant proposal shall identify how the services to be provided will*
22 *address substance use disorders or the risk of substance abuse*
23 *among the population it intends to serve. A proposal shall identify*
24 *how it intends to ensure that participating youth receive services*
25 *that provide education, prevention, early intervention, and timely*
26 *treatment services for youth. The service provider shall proactively*
27 *engage homeless youth to offer a wide array of supportive services*
28 *that are designed to meet the needs of each participant, participant*
29 *and his or her family, if appropriate, including, but not limited to,*
30 *those listed in paragraph (2). The service provider shall not prevent*
31 *a youth from entering housing or discharge or evict a youth from*
32 *a housing program on the basis of lack of participation in*
33 *supportive services.*

34 (2) ~~Services~~*The continuum of services shall include, but are*
35 *not limited to, all of the following:*

36 (A) ~~Drug abuse education and prevention~~ *education, prevention,*
37 *and treatment services.*

38 (B) Transitional living plan and services.

39 (C) ~~Access to education and employment assistance.~~ *assistance,*
40 *including literacy and vocational training.*

- 1 (D) Independent living skill development, economic stability,
2 and mobility services.
- 3 (E) Counseling and case management services.
- 4 ~~(F) Mental and physical health care.~~
- 5 *(F) Screening, assessment, and treatment or referral of*
6 *behavioral and physical health care services.*
- 7 (G) Services for pregnant and parenting youth.
- 8 (H) Legal services.
- 9 (I) Family support, including family reunification when safe
10 and appropriate and engagement and intervention, when
11 appropriate.
- 12 (J) Family-finding services to identify appropriate family
13 members.
- 14 (K) Adequate supervision of minors, and services for all
15 participants.
- 16 (L) Outreach to young people experiencing homelessness.
- 17 ~~(M) Aftercare and follow-up services:~~ *followup services,*
18 *including relapse prevention.*
- 19 (N) Housing navigation services.
- 20 (i) A ~~recipient~~ *grantee* shall use grant funds to establish or
21 expand programs that assess the housing and services needs of
22 homeless ~~youth~~, *youth or youth at risk of homelessness*, establish
23 a plan to meet those needs in collaboration with the participant,
24 and provide evidence-based housing and services models to
25 participants. Projects that may be funded under this project include:
- 26 (1) Rental assistance.
- 27 (2) Nontime-limited supportive housing.
- 28 (3) Transitional housing.
- 29 (4) Post-transitional housing assistance.
- 30 (5) Rapid rehousing.
- 31 (6) Flexible rental subsidies.
- 32 (7) Host homes.
- 33 (8) Shelters for homeless minors, pursuant to Section 1502.35
34 of the Health and Safety Code.
- 35 (9) Shelters for homeless youth.
- 36 (j) (1) A shelter program established under this chapter shall
37 provide the services described in Section 13701 and, depending
38 on the individual needs of each participant, shall provide
39 participants with drug abuse education, and prevention and
40 treatment services, as appropriate.

1 (2) A shelter program shall provide outreach to homeless youth,
2 as described in Section 576.101 of Title 24 of the Code of Federal
3 Regulations, and, depending on the individual needs of each
4 participant, shall provide, or refer homeless youth to, drug abuse
5 treatment programs, as appropriate.

6 (3) A shelter program may use subcontractors to fulfill the
7 requirements of paragraphs (1) and (2).

8 (4) No more than 40 percent of the total funds granted in a given
9 year may be used to establish, expand, or operate shelter programs.

10 (k) Each grantee shall submit *data and* annual progress reports
11 to the office and agree to meet continuous quality improvement
12 goals, accept technical assistance, and submit to annual site
13 monitoring visits by the office.

O



AB 2450 Analysis and Recommendation

TITLE: AB 2450 – Electrically conductive balloons: manufacturers: warning

AUTHOR: Quirk (D – Hayward)

SPONSORS: Author

BACKGROUND:

California's electrical utilities are responsible for delivering energy reliably and safely to customers through large transmission and distribution networks. Annually, utilities report hundreds of power outages caused by the release of metallic balloons when they subsequently contact power lines. According to the top five utilities in California, metallic balloons caused over 1,800 outages in 2017. The California Fire Department documented two fires caused by metallic balloons in 2013 and 2015, which burned over 10,000 acres and cost millions of dollars to suppress.

PURPOSE:

AB 2450 would require manufacturers of metallic film balloons to print a permanent statement on each balloon informing consumers about the hazards such balloons pose to electrical equipment and power lines. By requiring the notice to consumers be permanently printed on the balloon, AB 2450 seeks to eliminate the risk that a retailer may fail to affix the notice, or that a consumer may remove the notice from the balloon.

BART IMPACT:

AB 2450 does not restrict where metallic balloons are allowed, but seeks to make consumers more aware of the serious impacts such balloons may have on electrical power lines. BART's daily operations depend on the safe and reliable delivery of electricity throughout the system and service area. Metallic balloons are particularly hazardous within the system due to their ability to conduct electricity. On March 20, 2018, a metallic balloon connected with the third rail at the Civic Center Station, exploded, and caused smoke in the station. The incident happened during the morning commute and temporarily interrupted service.

KNOWN SUPPORT/OPPOSITION:

Support: California Municipal Utilities Association, Southern California Edison

Opposition: Unknown at this time.

OTHER COMMENTS:

Last year, Assembly Member Quirk introduced AB 1091, which would have made it a crime to willfully release, outdoors, metallic balloons, regardless of whether the outdoor release is part of a public or civic event, promotional activity, or product advertisement. Governor Brown vetoed AB 1091, stating that expanded criminal liability is not the best solution to the problem of electrically conductive balloons interfering with power lines.

STATUS:

Introduced on 2/14/18; referred to Assembly Business and Professions and set for hearing on 5/1/18.

RECOMMENDATION:

Support

Watch

Oppose

Analysis completed on 04/12/18

ASSEMBLY BILL

No. 2450

Introduced by Assembly Member Quirk

February 14, 2018

An act to add Chapter 31 (commencing with Section 22942) to Division 8 of the Business and Professions Code, relating to electrically conductive balloons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2450, as introduced, Quirk. Electrically conductive balloons: manufacturers: warning.

Existing law makes it a crime for a person to sell or distribute a balloon that is constructed of electrically conductive material and filled with a gas lighter than air that does not have a statement affixed to the balloon that warns the consumer about the risk if the balloon comes in contact with electrical power lines.

This bill would require a person who manufactures a balloon that is constructed of electrically conductive material and filled with a gas lighter than air to permanently mark each balloon with a printed statement that warns the consumer about the risk if the balloon comes in contact with an electrical power line.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 31 (commencing with Section 22942)
- 2 is added to Division 8 of the Business and Professions Code, to
- 3 read:

1 CHAPTER 31. ELECTRICALLY CONDUCTIVE BALLOONS

2

3 22942. (a) A person who manufactures a balloon in this state
4 that is constructed of electrically conductive material and filled
5 with a gas lighter than air shall permanently mark each balloon
6 with a printed statement that warns the consumer about the risk if
7 the balloon comes in contact with an electrical power line.

8 (b) This section shall not apply to manned hot air balloons or
9 to balloons used in governmental or scientific research projects.

O



Proposition 70 Analysis and Recommendation

TITLE: Proposition 70 – Requires Legislative Supermajority Vote Approving Use of Cap-and-Trade Reserve Fund

BACKGROUND:

In 2006, the state enacted the California Global Warming Solutions Act (AB 32). The act required the Air Resources Board (ARB) to monitor and regulate the emission of greenhouse gases (GHGs) in California, with the goal of reducing emissions to 1990 levels by 2020. Pursuant to AB 32, the ARB adopted regulations that established a market-based compliance mechanism for sources that emit GHGs, known as the Cap-and-Trade Program. Under this program, which began in 2012, the state issues a limited number of permits to emit GHGs. The state auctions approximately half of available permits, and gives the rest to certain industries at no charge.

Revenue collected from cap-and-trade auctions is deposited into a state fund called the Greenhouse Gas Reductions Fund (GGRF). Sixty percent of funds are continuously appropriated for the state's high-speed rail project (25%); affordable housing and sustainable communities grants (20%); intercity rail capital projects (10%); and low carbon transit operations (5%). The remaining 40% is available for annual appropriation by the Legislature through the state budget process. Estimated cap-and-trade spending for 2017-2018 is \$3 billion from the GGRF.

PURPOSE:

Last year, the Legislature and Governor sought to negotiate an extension of the Cap-and-Trade Program beyond 2020. In July 2017, the state enacted AB 398 (E. Garcia), extending the Cap-and-Trade Program through 2030, AB 617 (C. Garcia) regarding new air pollution regulations, and ACA 1 (Mayes), creating the Greenhouse Gas Reduction Reserve Fund (Reserve Fund).

ACA 1, designated as Proposition 70 by the Secretary of State, is a constitutional amendment on the June 2018 ballot that would require, beginning January 1, 2024, any moneys collected from the auction or sale of cap-and-trade allowances be deposited in the new state Reserve Fund. These deposits would continue until the effective date of a bill that: 1) spends from the Reserve Fund and 2) is passed by each house of the Legislature with a two-thirds vote. After the effective date of the bill, future revenue would go back to being deposited in the GGRF and could be spent by a majority vote of the Legislature.

This measure would also suspend the state sales tax "manufacturing exemption" beginning in 2024. California's state and local governments charge a sales tax on retail sales of most goods. Some businesses receive a tax exemption when purchasing equipment used for manufacturing and research and development. The Legislative Analyst's Office estimates this exemption currently reduces state sales tax revenue by about \$250 million annually. The exemption is authorized until July 1, 2030.

BART IMPACT:

Opposing Proposition 70 is aligned with the Board's adopted state advocacy goal of protecting state transit funding and ensuring cap-and-trade funds are directed to transit investments. Beginning in 2024, the two-thirds vote requirement could, at least temporarily, change the mix of state and local programs funded by auction revenues. Any changes would depend on the future composition and spending priorities of the

Legislature, which are also unknown. Stable long-term funding sources are critical to BART in planning capital projects and maintenance operations. If passed, the constitutional amendment could potentially impact current and future state funding BART may receive through the GGRF on a formula or competitive basis.

KNOWN SUPPORT/OPPOSITION:

Support: Governor Edmund G. Brown, Jr., Assembly Member Chad Mayes, California Chamber of Commerce, California State Firefighters' Association, Western United Dairymen

Opposition: Senator Ben Allen, Assembly Member Todd Gloria, California Democratic Party, Coalition for Clean Air, Natural Resources Defense Council, California League of Conservation Voters, NextGen California, Asian Pacific Environmental Network, Center for Community Action and Environmental Justice, CEJA Action, Central Coast Alliance United for a Sustainable Economy, PODER, Communities for a Better Environment, Center on Race Poverty and the Environment, Los Angeles Physicians for Social Responsibility, Climate Hawks Vote, Environmental Health Coalition, SCOPE, Leadership Counsel for Justice and Accountability, SoCal 350 Climate Action, Courage Campaign, The Trust for Public Land, PolicyLink, Public Advocates Making Rights Real, Community Water Center, The Greenlining Institute, Azul, Center for Biological Diversity, Sunflower Alliance, CalBike, Oil Change International, California ReLeaf, Alliance of Nurses for Healthy Environments, Earthworks, League of Women Voters, Californis for Effective, Equitable Carbon Pricing, Center for Environmental Health, Center for Climate Protection, Rootskeeper, StateStrong California, Divest LA, Climate Truth, Fossil Free California, 350 Bay Area, Friends of the Earth, California Interfaith Poser and Light, Sierra Club California, Mother Out Front, Mi Familia Vota, California Calls.

OTHER COMMENTS:

STATUS:

N/A

RECOMMENDATION:

Support

Watch

Oppose

Analysis completed on 4/12/18

Assembly Constitutional Amendment No. 1

RESOLUTION CHAPTER 105

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 24 to Article XX thereof, relating to climate change.

[Filed with Secretary of State July 18, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

ACA 1, Mayes. Greenhouse Gas Reduction Reserve Fund.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation.

The California Constitution requires appropriations from the General Fund of the state to be passed by a $\frac{2}{3}$ vote of the membership of each house of the Legislature and requires a majority vote to pass appropriations for the public schools and appropriations in the Budget Bill and in other bills providing for appropriations related to the Budget Bill.

This measure would create the Greenhouse Gas Reduction Reserve Fund, in which all moneys collected by the state board as part of a market-based compliance mechanism beginning January 1, 2024, and until the effective date of specified legislation would be deposited. The measure would require all moneys in the fund to be available upon appropriation for specified purposes and would require a bill making those appropriations to be passed by a $\frac{2}{3}$ vote of the membership of each house of the Legislature. The measure would require all new moneys collected as part of a market-based compliance mechanism after the effective date of that specified legislation to be deposited in the Greenhouse Gas Reduction Fund. The measure would prohibit a specified sales tax exemption from being applied until the effective date of that specified legislation.

WHEREAS, The California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code) establishes statewide targets for reducing greenhouse gases that cause global warming to 1990 levels by 2020 and to 40 percent below 1990 levels by 2030; and

WHEREAS, The State Air Resources Board adopted the market-based compliance mechanism, known as the Cap-and-Trade Program, which is the most cost-effective means to assist the state in reaching the statewide emissions reduction targets by allocating allowances to represent greenhouse gas emissions and decreasing the number of allowances over time; and

WHEREAS, The market-based compliance mechanism includes the distribution of a portion of the allowances by auction and reserve sales, the proceeds of which the Legislature has directed to be deposited in the Greenhouse Gas Reduction Fund; and

WHEREAS, The projects funded by moneys derived from the auction or sale of allowances, among other things, assist farmers in making changes needed to reduce emissions; enable residents to invest in energy efficiency and renewable energy upgrades; improve air quality for millions of residents, especially in our most polluted communities; support low- and zero-carbon transportation alternatives and sustainable communities; and enhance natural resources, including healthy forests and parks; and

WHEREAS, Moneys from the sale of allowances must continue to achieve additional emissions reductions and provide benefits to low-income and disadvantaged communities; and

WHEREAS, It is vital to protect the integrity of the Cap-and-Trade Program; and

WHEREAS, The Legislature, representing a diverse range of Californians, should assess the efficacy of the programs funded by the Cap-and-Trade Program to ensure those programs are furthering the state's ambitious plan to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 2017–18 Regular Session commencing on the fifth day of December 2016, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

That Section 24 is added to Article XX thereof, to read:

SEC. 24. (a) The Greenhouse Gas Reduction Reserve Fund is hereby created as a special fund in the State Treasury.

(b) For the time period specified in subdivision (d) only, all moneys collected by the State Air Resources Board from the auction or sale of allowances pursuant to a market-based compliance mechanism established pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code) shall be deposited in the Greenhouse Gas Reduction Reserve Fund.

(c) Notwithstanding any other provision of this Constitution, moneys in the Greenhouse Gas Reduction Reserve Fund shall be available upon appropriation by the Legislature by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, for the same purposes applicable on January 1, 2024, to the Greenhouse Gas Reduction Fund, created pursuant to Section 16428.8 of the Government Code.

(d) Subdivision (b) shall apply beginning January 1, 2024, and until the effective date of legislation that contains an appropriation from the Greenhouse Gas Reduction Reserve Fund. After the effective date of that legislation, all new moneys collected pursuant to a market-based compliance mechanism shall be deposited in the Greenhouse Gas Reduction Fund, created pursuant to Section 16428.8 of the Government Code.

(e) Section 6377.1 of the Revenue and Taxation Code shall not apply to sales that occur while the moneys specified in subdivision (b) are being deposited in the Greenhouse Gas Reduction Reserve Fund, but shall resume on the effective date of legislation identified in subdivision (d).

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** April 20, 2018
FROM: General Manager
SUBJECT: BART to Livermore Extension Project Update – For Information


Between March and June 2018, BART staff intends to bring the BART to Livermore project (LVX) to the BART Board at least four times, with the objective of completing the California Environmental Quality Act (CEQA) process, and the Board considering actions on LVX. These include:

1. March 8, 2018 (information, completed): Overview of the technical merits of the LVX proposed project and build alternatives
2. April 12, 2018 (information, completed): City of Livermore presentation on the Isabel Neighborhood Plan
3. April 26, 2018 (information): Summary of LVX public input, and responses to selected requests made by the Board at the March 8, 2018 meeting
4. May/June 2018 (action): Board to consider certifying the LVX Environmental Impact Report (EIR) and taking actions on LVX

The attached informational presentation for the April 26 meeting summarizes LVX public outreach activities and findings, and responds to selected BART Board LVX requests made during the March 8 BART Board meeting.

Please contact Carl Holmes (510) 464-7592 if you have any questions.




Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff